United Nations

# Report of the Committee on the Rights of the Child

General Assembly
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Supplement No. 41 (A/53/41)

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## NOTE

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# I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS TWELFTH TO SEVENTEENTH SESSIONS

## A. Organization of work

### 1. Sixteenth session, recommendation

The Committee on the Rights of the Child,

Having considered the report of the eighth meeting of persons chairing the human rights treaty bodies,[1]

Agrees on the following:

1. In view of the specificities of each of the six human rights treaties, the consolidation of reports to the six human rights treaty bodies into a single report would not be conducive to the implementation of the rights enshrined in each treaty, including the Convention on the Rights of the Child;[2]

2. The suggestion to convene an extraordinary three-day meeting of the chairpersons in February 1998 is welcomed as it would provide an opportunity to further explore the issue of possible reforms designed to enhance the effectiveness and efficiency of the treaty body system;

3. While taking due account of the general guidelines regarding the form and contents of periodic reports adopted by the Committee at its thirteenth session,[3] the States parties to the Convention on the Rights of the Child should focus on a limited range of issues in their periodic reports, in particular those issues identified in the concluding observations adopted by the Committee in relation to the previous report.

### 2. Seventeenth session, recommendation 1

The Committee on the Rights of the Child,

Having considered the order of consideration of the reports submitted to it by the States parties to the Convention,

Agrees on the following:

1. Although the Convention on the Rights of the Child does not require the presence of the representatives of the States parties at the meetings during which their respective reports are examined by the Committee, such a presence is highly desirable;

2. Rule 68 of the provisional rules of procedure of the Committee establishes that "representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined". The

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[1] A/52/507, annex.

[2] General Assembly resolution 44/25, annex.

[3] CRC/C/58.

intention underlying this rule is to enable an effective and constructive dialogue between the Committee and the reporting States, which can be facilitated by the attendance of high-level representatives of the States parties;

3. Notwithstanding the desirability of such a dialogue, the Committee may use its right to examine reports even in the absence of a positive reaction on the part of a State party to the invitation to attend the meetings of the Committee. Such an approach is deemed necessary in order to enable the Committee to meet its mandate and heavy workload expeditiously and efficiently.

## B. Cooperation with other United Nations organs and other competent bodies

### Seventeenth session, recommendation 2

The Committee on the Rights of the Child,

Welcoming the progress made by the Preparatory Committee on the Establishment of an International Criminal Court in preparing a draft consolidated text of a convention on the establishment of an international criminal court,

Welcoming also General Assembly resolution 52/160 of 15 December 1997, in which the Assembly decided, *inter alia*, that the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court shall be held in Rome from 15 June to 17 July 1998, with a view to finalizing and adopting a convention on the establishment of such a court,

Emphasizing the importance of ensuring that, in creating a permanent mechanism for the prevention and punishment of serious crimes of concern to the international community as a whole, the statute of the international criminal court duly take into account the need to protect the rights of children, both as victims and possible perpetrators of the said crimes, in accordance with the principles and provisions set forth by the Convention on the Rights of the Child,

Considering that, in this respect, special attention should be devoted to the issues of definition of war crimes, age of criminal responsibility, aggravating and mitigating circumstances of the crimes and the protection of the rights of the child within the court's jurisdiction,

Recalling that, under article 43, paragraph 1, of the Convention on the Rights of the Child, the Committee was established "for the purpose of examining the progress made by States parties in achieving the realization of the obligations undertaken" in the Convention,

1. Recommends to all States parties to and signatories of the Convention on the Rights of the Child to operate, in the Preparatory Committee on the Establishment of an International Criminal Court and at the 1998 Rome Diplomatic Conference of Plenipotentiaries, with a view to ensuring that the provisions of the court's statute be in line with the principles and provisions of the Convention on the Rights of the Child with respect to the various aspects of the protection of children's rights;

2. _Further recommends_ that special attention be devoted, in this context, to the rights of the child in the areas of definition of war crimes, age of criminal responsibility, aggravating and mitigating circumstances of the crimes and the protection of the rights of the child victim within the court's jurisdiction.

# II. ORGANIZATIONAL AND OTHER MATTERS

## A. States parties to the Convention

1. As at 23 January 1998, the closing date of the seventeenth session of the Committee on the Rights of the Child, there were 191 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

## B. Sessions of the Committee

2. The Committee has held six sessions since the adoption of its previous biennial report. The reports of the Committee on its twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sessions are contained in documents CRC/C/54, CRC/C/57, CRC/C/62, CRC/C/66, CRC/C/69 and CRC/C/73, respectively.

## C. Membership and officers of the Committee

3. In accordance with article 43 of the Convention, the Sixth Meeting of the States parties to the Convention was convened on 18 February 1997 at United Nations Headquarters. The following five members of the Committee were elected for a term of four years beginning on 28 February 1997: Mr. Francesco Paolo Fulci, Mrs. Nafsiah Mboi, Mrs. Esther Margaret Queen Mokhuane, Mr. Ghassan Salim Rabah and Mrs. Marilia Sardenberg. The list of the members of the Committee, with an indication of their term of office, appears in annex II to the present report.

4. In accordance with article 43, paragraph 7, of the Convention and rule 14 of the Committee's provisional rules of procedure, Mrs. Akila Belembaogo and Mr. Thomas Hammarberg informed the Committee of their decision to cease to function as members of the Committee. By notes verbales dated 8 April and 28 April 1997, respectively, the Governments of Burkina Faso and Sweden informed the Secretary-General of the appointment of Mrs. Awa N'Deye Ouedraogo and Mrs. Lisbeth Palme as experts of the Committee for the remainder of the terms of Mrs. Belembaogo and Mr. Hammarberg. At the start of the session, the Committee approved the appointment of Mrs. Ouedraogo and Mrs. Palme by secret ballot, in accordance with rule 14 of its provisional rules of procedure.

5. The officers elected by the Committee at its ninth session continued to hold office at the eleventh, twelfth, thirteenth and fourteenth sessions. They were Mrs. Akila Belembaogo (Burkina Faso), Chairperson; Mrs. Flora C. Eufemio (Philippines), Mr. Thomas Hammarberg (Sweden) and Mrs. Marilia Sardenberg (Brazil), Vice-Chairpersons; and Mrs. Marta Santos Pais (Portugal), Rapporteur.

6. At its 372nd and 373rd meetings, on 20 May 1997, the Committee elected the following officers for a term of two years in accordance with rule 16 of its provisional rules of procedure:

Chairperson: Ms. Sandra Prunella Mason (Barbados)

Vice-Chairpersons: Mrs. Judith Karp (Israel)
Mr. Yury Kolosov (Russian Federation)
Mr. Ghassan Salim Rabah (Lebanon)

Rapporteur: Mrs. Nafsiah Mboi (Indonesia)

## D. Adoption of the report

7. At its 453rd meeting, on 23 January 1998, the Committee considered the draft of its fourth biennial report, covering its activities at the twelfth to seventeenth sessions. The report was adopted unanimously by the Committee.

# III. REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

## A. Submission of reports

8. The status of submission of reports by States parties under article 44 of the Convention as at 23 January 1998, the closing date of the seventeenth session of the Committee, appears in annex III to the present report.

9. As at 23 January 1998 the Committee had received 113 initial reports and 8 periodic reports. A total of 82 reports had been examined by the Committee.

10. During the period under consideration, the Committee received from a number of States parties additional information submitted in accordance with the recommendations made by the Committee in its concluding observations, or transmitting information and views of States parties with respect to the observations made by the Committee (see CRC/C/54, para. 19, CRC/C/57, para. 19, CRC/C/62, paras. 18 and 19, CRC/C/66, paras. 22-25, CRC/C/69, paras. 19-21, and CRC/C/73, paras. 20-22).

## B. Consideration of reports

11. During its twelfth to seventeenth sessions, the Committee considered the initial reports of Algeria, Australia, Azerbaijan, Bangladesh, Bulgaria, China, Cuba, Cyprus, the Czech Republic, Ethiopia, Ghana, Guatemala, Ireland, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Mauritius, Micronesia (Federated States of), Morocco, Myanmar, Nepal, New Zealand, Nigeria, Panama, Paraguay, Slovenia, the Syrian Arab Republic, Trinidad and Tobago, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland: dependent territories (Hong Kong), Uruguay and Zimbabwe.

12. The following section, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of reports at its twelfth to seventeenth sessions, contains concluding observations reflecting the main points of the discussion and indicating, where necessary, issues that would require a specific follow-up.

13. More detailed information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

### 1. Concluding observations: Lebanon

14. The Committee considered the initial report of Lebanon (CRC/C/8/Add.23) at its 289th to 291st meetings, on 20 and 21 May 1996 (CRC/C/SR.289-291), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

#### (a) Introduction

15. The Committee notes with appreciation the submission of the initial report of Lebanon and the dialogue held with the State party. While the Committee expresses its appreciation for the supplemental written information provided by the delegation, it regrets that the State party did not submit written replies to the list of issues previously submitted by the Committee to the Government.

### (b) Factors and difficulties impeding the implementation of the Convention

16. The Committee notes the severe difficulties facing Lebanon as a result of almost 20 years of war and foreign intervention which has resulted in widespread destruction of its physical infrastructure and public works. The Committee also takes note of the difficulties caused by the fact that Lebanon has hosted a great number of refugees for several decades. The Committee also notes the insufficient international support for coping with the above-mentioned problems and facilitating an effective reconstruction of infrastructure and social services.

### (c) Positive aspects

17. The Committee welcomes the establishment of the Higher Council for Childhood, administered by the Ministry of Social Affairs, which serves as an independent intermediary body between relevant government ministries and with non-governmental organizations to initiate and coordinate programmes and policies. The Committee also welcomes the decision of the Higher Council to undertake a study on the legal situation in Lebanon with respect to the Convention on the Rights of the Child, which it regards as a potentially important step in the development of a more comprehensive approach to the implementation of the Convention.

18. The Committee also welcomes the establishment of the Parliamentary Committee for the Protection of Childhood as well as the National Committee for the Disabled, both of which could be important in the endeavours to implement the principles and provisions of the Convention on the Rights of the Child.

19. The Committee notes with satisfaction the decision to establish a system for health inspections in schools and pre-school institutions.

20. The Committee welcomes the adoption in September 1995 of the National Plan of Action for Child Survival, Protection and Development, which focuses on programmes related to health and education.

21. The Committee welcomes the report from the delegation that the stigmatizing label of "illegitimate" will be abolished not only from identity cards but also from the birth registry and all other official documents.

22. The Committee welcomes the round tables and training courses, some of them in cooperation with the United Nations Children's Fund, to educate and train teachers, as well as plans to train police, social workers and other professionals about the rights of the child. The Committee notes with satisfaction the agreement entered into by the State party with the United Nations Development Programme to undertake a statistical overview of 7,000 families representing the different regions of Lebanon on relevant social matters such as education, illiteracy, unemployment and child labour. It further welcomes the planned study on the health of mothers and children, and looks forward to receiving a copy of the results from the two studies once they are completed.

### (d) Principal subjects of concern

23. The Committee is concerned at the insufficient measures adopted to ensure a permanent and effective coordinating and monitoring mechanism to ensure implementation of the Convention on the Rights of the Child. The Committee also

notes the insufficient measures to systematically gather reliable quantitative and qualitative data on all areas covered by the Convention and in relation to all groups of children, and to evaluate progress achieved and assess the impact of policies adopted on children, in particular in relation to education, health, juvenile justice and children with disabilities.

24. The Committee is concerned about the insufficient measures taken to ensure that the principles and provisions of the Convention are made widely known to children and adults.

25. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is also concerned that insufficient resources are allocated to human development projects and by the emerging gaps developing between those who can afford private education and medical care and those who cannot.

26. The Committee notes that despite the fact that the provisions of international treaties to which Lebanon is a party supersede domestic legislation, laws continue to exist which are inconsistent with the provisions of the Convention on the Rights of the Child and of other international treaties.

27. The Committee is also concerned that the basic principles of the Convention, in particular the provisions of articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes.

28. The Committee is concerned about the apparent discrimination in the granting of nationality to a child of parents of mixed nationality; nationality may only be obtained by a child from her or his Lebanese father but not from the mother and, in the case of unmarried parents, only if the Lebanese father acknowledges the child.

29. The Committee is worried about the widespread practice of early marriage and the related consequence of high child mortality rates and the negative impact on the health of girls bearing children at an early age. It is also concerned about consanguineous marriage.

30. The Committee expresses its concern that the provision of social services appears to be concentrated in Beirut, to the disadvantage of the population living outside the capital. The Committee also notes the apparent shortage in the number of social workers.

31. The Committee notes the need for further reform in the school sector to improve the quality of education and prevent students from dropping out. Specific needs appear to exist in the fields of health education and, as recognized by the delegation, teaching about values and the environment.

32. The Committee notes the need for further reforms in the field of juvenile justice and treatment of young offenders to ensure full implementation of articles 37, 39 and 40 of the Convention. Problems appear to exist in relation to the low age of criminal responsibility, non-separation of children from adult detainees, the lack of available health and educational facilities for young detainees, the existence and length of pre-trial custody and the non-availability of legal assistance.

33. The Committee is concerned by reports about children working on the street or in domestic service, including children from other countries.

34. The Committee notes the need for special efforts to protect the rights of children in especially difficult circumstances, including abandoned and stateless children.

(e) Suggestions and recommendations

35. Though welcoming the establishment of the Higher Council for Childhood, the Committee recommends a review of the various central and local administrative structures in order to ensure the effective coordination of policies and programmes on matters of child rights and child welfare.

36. The Committee welcomes the initiative for a comprehensive review of legislation in the light of the principles and standards of the Convention on the Rights of the Child. In this regard, the Committee recommends that the minimum age of criminal responsibility, for marriage and for child labour be reviewed.

37. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordination and monitoring of the implementation of the Convention, at both national and local levels, in urban and rural areas. The Committee encourages the State party to give further consideration to the establishment of an ombudsperson for children or any equivalent independent complaint and monitoring mechanism. The Committee further encourages the promotion of closer cooperation for this purpose with Lebanese non-governmental organizations, to which it expresses its appreciation for the valuable work they perform in the field of the rights of the child.

38. The Committee recommends that further steps be taken by the State party to define child-related social indicators and to develop systematic means of gathering data on an ongoing basis to facilitate a comparison of progress with regard to child-related initiatives over a period of time.

39. The Committee recommends that the Government strengthen its efforts aimed at promoting advocacy and creating awareness and understanding of the principles and provisions of the Convention in the light of article 42. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in school curricula. The Committee also suggests that the Government develop public campaigns with a view to addressing effectively the problem of persistent discriminatory attitudes, in particular towards girls.

40. The Committee recommends that further programmes be aimed at training personnel working with children, such as social workers, police, public health workers and legal and judicial officers.

41. The Committee encourages the Government to pursue its efforts to ensure full compliance of its national legislation with the principles and provisions of the Convention, including non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12). In the light of articles 2 and 3, the Committee strongly recommends that legislative measures be adopted with a view to ensuring respect for the rights of girls, especially in relation to preventing early marriage.

42. The Committee recommends that the State party strengthen the existing overall priority which is given in the national budget to child-related programmes in accordance with article 4 of the Convention.

43. Concerning the growing role of private educational and health institutions, the Committee recommends that a stronger emphasis be placed on public education and the social welfare system by the Government with a view to ensuring that all children subject to the jurisdiction of the State party enjoy these fundamental rights, as well as to prevent any risk of discrimination.

44. The Committee recommends the development of a more comprehensive social policy which would include the implementation of the National Plan of Action for Child Survival, Protection and Development. Such a policy would emphasize the importance of human development. The Committee recommends that further steps be taken towards decentralization of social services so as to afford children outside the capital open and easy access to basic social services and education.

45. The Committee welcomes the steps taken to reform the school system and to improve the quality of education, including a thorough review of the curricula. It recommends measures to fully realize the provisions of the Convention relating to free and compulsory primary education for all children.

46. In view of the principles contained in article 29, paragraph 1 (d), of the Convention, which stipulates that the education of the child shall be directed to "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin", the teaching of values is an important dimension that should be incorporated in the curricula at all levels of schooling. School curricula materials should be revised accordingly.

47. The Committee recommends that the ban on the commercial marketing of infant formula be implemented and that breastfeeding be promoted among mothers in health facilities. It further suggests that a health insurance card be issued for children whose parents are not entitled to social security benefits.

48. The Committee suggests that the State party undertake a comprehensive study to examine the implications of the principle of the "best interests of the child" in relation to laws and their implementation as well as to administrative practice in all relevant fields.

49. The Committee believes that opportunities for the cultural development of children are critical and recommends that measures be taken to give children access to child literature and media. The need for playgrounds and child-friendly parks should be considered in city planning.

50. The Committee welcomes the policy of not allowing corporal punishment in schools or other official institutions and recommends a thorough review of the problem of domestic violence, including the possibility of stricter legislation against all forms of abuse against children in the spirit of article 19 of the Convention, as well as supportive social measures to assist families in crisis.

51. The Committee suggests that further efforts should be undertaken to disseminate information about the risks of consanguineous marriages, including through the media and health education programmes.

52. The Committee suggests that special programmes be developed for children with disabilities in order to define social, psychological, physical and other needs, as well as to educate parents about ways of dealing with them. Further efforts are recommended to encourage schools to ensure the participation of these children in all activities.

53. The Committee suggests that the State party, in cooperation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, seek ways of addressing the socio-economic problems among Palestinian refugees that affect children negatively.

54. The Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

55. The Committee recommends that the State party give careful consideration to placing greater emphasis on psycho-social recovery and reintegration of "passive victims" of violence and the armed conflict in Lebanon.

56. The Committee recommends that in the light of article 32 of the Convention on the Rights of the Child, further steps be taken to protect children from hazardous work, including through the adoption of stricter legislation, ratification of all relevant International Labour Organization conventions and the appointment of a sufficient number of child labour inspectors.

57. The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and relevant United Nations standards in this field such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be given to the consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of liberty, to due process of law, and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of Lebanon consider seeking international assistance in the area of the administration of juvenile justice from the Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Office at Vienna.

58. The Committee recommends that relevant international agencies and institutions, as well as other Governments, develop cooperation with Lebanese authorities and voluntary organizations in the reconstruction effort after the many years of war devastation. Displaced persons and refugees should be given priority in such international cooperation.

59. The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.

### 2. Concluding observations: Zimbabwe

60. The Committee considered the initial report of Zimbabwe (CRC/C/3/Add.35) at its 293rd to 295th meetings, on 22 and 23 May 1996 (CRC/C/SR.293-295), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

### (a) Introduction

61. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. While noting the self-critical approach of the report of the State party, the Committee regrets that the information provided therein did not follow the Committee's guidelines.

### (b) Positive aspects

62. The Committee notes with appreciation the steps taken by the Government to promote tolerance and democracy in society, including through constitutional provisions. In this regard, it welcomes the recent amendment No. 14 to the Constitution, which prohibits discrimination on the ground of gender. It further notes steps taken to create awareness of children's rights as well as to encourage children's participation, including by organizing a children's parliament and promoting youth councils and child mayors.

63. The Committee notes the establishment of the Inter-Ministerial Committee on Human Rights and International Law to coordinate activities of relevant government ministries and departments to implement the Convention. The Committee welcomes the decision of the Government to submit a yearly report to the Cabinet and Parliament on measures taken to implement the rights set forth in the Convention.

64. The Committee is encouraged by the combined efforts of the Government and non-governmental organizations to promote children's rights.

65. The Committee notes with appreciation the establishment in 1982 of the Office of the Ombudsman and welcomes the decision to broaden its mandate to include the investigation of alleged violations of children's rights by members of the defence forces, the police and correctional officials.

66. The Committee welcomes the measures taken by the Government to improve living conditions and alleviate poverty, including through the expansion of the income-generating capacity of people in the rural areas.

67. The Committee welcomes the intention of the Government to incorporate the Convention into school curricula. It further welcomes the attention paid by the Government to "Let's all talk about it", the campaign against the acquired immunodeficiency syndrome (AIDS) being undertaken in the educational system.

68. The Committee also welcomes the "victim-friendly courts" initiative aimed at providing special counselling for the rehabilitation of victims of child sexual abuse.

### (c) Factors and difficulties impeding the implementation of the Convention

69. The Committee notes that Zimbabwe, prior to 1980, had a non-democratic regime where legislation and policies adopted and implemented by the authorities led to racial segregation and discrimination in society. The continuing effects of that situation, together with the burden of external debt faced by the State party and the recent drought, have hampered the implementation of the Convention.

(d) Principal subjects of concern

70. The Committee is concerned that the State party has not yet undertaken a comprehensive legal reform with a view to ensuring that the national legislation fully conforms to the Convention. It notes that the existence of a dual system of common law and customary law creates additional difficulties in implementing the Convention and impedes effective monitoring of its enforcement.

71. The Committee notes with concern that the legislative measures taken to prevent and eliminate any form of discrimination in the light of article 2 of the Convention are insufficient. It notes in this regard that, according to section 23 of the Constitution, the principle of non-discrimination does not apply to private professionals or institutions; the same provision allows for derogations in important areas such as adoption, marriage, divorce and other matters of personal law and prevents, inter alia, girls from having inheritance rights. In addition, it allows for discrimination on the basis of race in relation to the minimum age for marriage, inheritance and children born out of wedlock. The Committee further notes in this regard the different minimum ages for marriage for girls and boys in the legislation.

72. The Committee notes with concern the persistence of behavioural attitudes in the society as well as cultural and religious practices which, as recognized by the State party, hamper the implementation of children's rights. Mention can be made in this regard of the difficulties in ensuring birth registration in remote areas of abandoned and refugee children, as well as of the situation of female victims of practices such as ngozi (girl child pledging), lobola (bride price) and early marriage, and of disabled children.

73. The Committee notes with concern the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. Insufficient measures have been taken to gather reliable quantitative and qualitative data in all areas covered by the Convention and in relation to all groups of children, particularly those belonging to the most disadvantaged groups.

74. The Committee is concerned that insufficient attention has been paid to the provisions of article 4 of the Convention and notes the persistence of economic and social disparities in the enjoyment of the rights recognized by the Convention, particularly in relation to children living in rural areas, children on commercial farms and children living in poverty in urban areas. It notes in this regard that, as recognized by the State party, the introduction of fees for health care and education, as well as the inadequate social assistance system, have negatively affected the accessibility of such services to lower income groups.

75. The Committee further notes that insufficient attention has been paid to the principle of the best interests of the child both in legislation and in practice, as well as to the respect for the views of the child in school, society and family life. In this regard, it is noted that, as recognized by the State party, the civil rights and freedoms of the child are to be exercised subject to parental consent or discipline, thus raising doubts as to the compatibility of this practice with the Convention, notably articles 5 and 12.

76. The Committee is concerned at the number of orphans and abandoned children as well as at the increase in child-headed families as a result, inter alia, of the high incidence of AIDS, at the inadequate measures taken to ensure the

realization of their fundamental rights and at the lack of alternatives to their institutionalization.

77. The Committee expresses its concern at the acceptance in the legislation of the use of corporal punishment in school, as well as within the family. It stresses the incompatibility of corporal punishment, as well as any other form of violence, injury, neglect, abuse or degrading treatment, with the provisions of the Convention, in particular articles 19, 28, paragraph 2, and 37.

78. The Committee is concerned that primary education is neither free nor compulsory. Moreover, it expresses its concern at the lack of learning and teaching facilities, as well as at the shortage of trained teachers in rural areas and in particular on commercial farms. It shares the concern expressed by the Government at the low quality of education. The cost to families of secondary education is leading to an increasing drop-out rate for girls, particularly in rural areas. The Committee notes with concern the growing disparity within the education system, owing to the parallel systems of private and public schools, which results ultimately in racial segregation at school on the basis of the economic status of parents.

79. With regard to child exploitation, the Committee is concerned at the persistence of situations of child labour, including in agriculture, domestic service and on commercial farms. It notes with particular concern the lack of a legal prohibition of child labour.

80. The Committee is concerned at the present system of juvenile justice, including the lack of a clear legal prohibition of capital punishment, life imprisonment without the possibility of release and indeterminate sentencing, as well as at the recourse to whipping as a disciplinary measure for boys.

### (e) Suggestions and recommendations

81. The Committee recommends that the State party undertake a comprehensive review of the national legal framework, with a view to ensuring its full compatibility with the principles and provisions of the Convention. Particular attention should be paid to ensuring effective implementation of the principle of non-discrimination, including by revising relevant constitutional provisions, as well as other legislative texts reflecting any kind of discrimination such as on the basis of gender, race, birth or marital status.

82. The Committee emphasizes the importance of developing an effective and permanent system of monitoring the implementation of the Convention based on close cooperation between all the relevant government ministries and departments at the national and local levels, and encourages the State party to pursue its efforts with a view to institutionalizing collaboration with non-governmental organizations.

83. The Committee suggests that the system of data collection be improved and appropriate disaggregated indicators identified with a view to assessing the progress achieved in all areas covered by the Convention in all parts of the country and in relation to all groups of children.

84. The Committee encourages the Government to pursue its efforts aimed at broadening the mandate of the ombudsperson with a view to ensuring that violations of children's rights are duly investigated, including when committed by members of the defence forces, law-enforcement and correctional officials,

and as a means to supervise the situation of children placed in institutions and detention centres.

85. The Committee encourages the Government to adopt adequate measures to prevent and eliminate prevailing social attitudes and cultural and religious practices hampering the realization of children's rights. Systematic information and awareness campaigns should be launched to create a deeper understanding of the Convention and of the need to respect and protect children's rights. Similarly, training activities should be developed for professional groups working with and for children, including teachers, law-enforcement and correctional officials, members of defence forces, judges, social workers and health personnel. The Committee further encourages the State party to pursue the steps undertaken to include the Convention in school curricula and to give consideration to reflecting it in the training curricula.

86. The Committee encourages the State party to adopt all appropriate measures to ensure the birth registration of all children, including those born in rural areas and on commercial farms, and encourages efforts designed to establish registration units at schools and clinics.

87. The Committee recommends that the State party pay particular attention to the implementation of article 4 of the Convention and undertake all appropriate measures, to the extent possible with available resources, for the realization of the economic, social and cultural rights of children. Special attention should be paid to the situation of the most disadvantaged groups of children, including those living in rural areas, poor urban areas and on commercial farms, as well as orphans or abandoned children, and measures should be adopted with a view to providing adequate safety nets for such children and protecting them against the adverse effects of reductions in budgetary allocations and of the introduction of fees in health and education services.

88. The Committee recommends that the State party take the principle of the best interests of the child as a primary consideration in all actions concerning children, including those undertaken by courts, public or private welfare institutions, administrative authorities or legislative bodies. The Committee encourages the State party to adopt appropriate measures to assist parents in the performance of their child-rearing responsibilities. The Committee further encourages the State party to consider appropriate alternatives to institutionalization for children deprived of a family environment, as well as special protection and assistance for child-headed families. The Committee encourages the State party to consider ratifying the Hague Convention for the Protection of Children and Cooperation in respect of Inter-Country Adoption of 1993.

89. Appropriate measures should also be adopted by the State party with a view to ensuring respect for the views of the child in family, school and social life and to promoting the exercise of the rights of the child in a manner consistent with his or her evolving capacities.

90. The Committee recommends that the State party adopt appropriate legislative measures to forbid the use of any form of corporal punishment within the family and in school.

91. Similar measures should be adopted to prohibit child labour below a minimum age in the light of article 32 of the Convention. In this regard, the Committee encourages the State party to consider the recommendations made by the International Labour Organization in its mission statement of 1993 and, in

particular, to prohibit the employment of young persons below 18 years of age in hazardous activities, as well as to make education free and compulsory up to age 15. In this connection, the Committee encourages the State party to consider seeking assistance from the International Labour Organization.

92. In the field of juvenile justice, the Committee recommends that the State party raise the minimum age of criminal responsibility and incorporate in the legislation a clear prohibition of capital punishment, life imprisonment without the possibility of release and indeterminate sentencing, as well as of the use of whipping as a disciplinary measure.

93. The Committee further recommends that the report submitted by the State party, along with the relevant summary records and the concluding observations thereon, be disseminated as widely as possible to the public. The Committee would also like to suggest that these documents be brought to the attention of Parliament as a means of ensuring a follow-up to suggestions and recommendations made by the Committee.

### 3. Concluding observations: China

94. The Committee considered the initial report of China (CRC/C/11/Add.7) at its 298th to 300th meetings, on 28 and 29 May 1996 (CRC/C/SR.298-300), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

#### (a) Introduction

95. The Committee notes that the initial report of the State party was prepared in accordance with the general guidelines. The Committee appreciates the self-critical elements of the report, although it is noted that greater focus was placed in the report on the content of domestic legal and administrative provisions than on their practical application. It also welcomes the State party's replies to the written list of questions posed by the Committee.

96. The Committee notes with satisfaction that different ministerial departments and other bodies were involved in the preparation of the report. The Committee expresses its appreciation to the State party for having ensured that many of these departments were represented on the delegation presenting the report to the Committee. The Committee welcomes the willingness of the State party and its delegation to engage in a constructive dialogue with the Committee. It appreciates the delegation's frank admission that various difficulties remain to be overcome before the rights and principles provided for in the Convention are guaranteed to all children in China.

#### (b) Positive factors

97. The Committee takes note of the considerable improvement in the general standard of living which has been recorded in recent years. The Committee further notes the programme outline which has been devised at the national level and which is in the process of being developed in all 30 provinces and autonomous regions and implemented as a follow-up to the goals set in the Declaration and Plan of Action adopted by the World Summit for Children in 1990. Note is also taken that an outline is being prepared as a follow-up to the Fourth World Conference on Women, held in Beijing.

98. The considerable progress achieved by the State party in reducing the infant and under-five mortality rates, especially through the extensive efforts focused on sustaining immunization coverage, increasing immunization rates and reducing the incidence of child malnutrition, is to be commended. The State party's commitment to protecting, promoting and supporting breastfeeding, as well as to establishing children's hospitals, is also welcomed.

99. Noteworthy also are the various activities undertaken and supported by the State party to increase school enrolment. The State party's recognition of the importance of supporting education as a tool for fostering social and economic development is noted. Special mention is accorded to Project Hope, which is designed to assist children in poor districts, as well as to the Spring Buds Scheme to promote girls' enrolment or return to school to complete their primary education.

100. The Committee also notes the information contained in the report that various laws and administrative regulations relevant to the rights of the child have been developed and introduced. The Compulsory Education Act, the Protection of Minors Act and the Protection of the Disabled Act and the work undertaken by the Help the Disabled Movement are noted.

### (c) Factors and difficulties impeding the implementation of the Convention

101. Taking into account the fact that the number of children in China represents one fifth of the child population of the world and that the population is spread throughout the vast territory of the country, the Committee notes that the task facing China in meeting the needs of all children under its jurisdiction presents enormous challenges, not least in the economic and social fields.

102. As was stated by the State party, the legacy of certain historical feudal traditions in parts of the country and the persistence of other harmful attitudes are adversely affecting children's lives and healthy growth.

### (d) Principal subjects of concern

103. The Committee notes the establishment of various structures for the promotion and coordination of the implementation of the Convention on the Rights of the Child though it remains concerned at the insufficient measures taken to ensure their effectiveness with regard to monitoring the Convention's implementation at the national, provincial and local levels.

104. The Committee is concerned about the prevailing disparities between urban and rural areas and between regions in relation to the provision of and access to social services, including education, health and social security.

105. It is the Committee's view that inadequate measures taken in the field of social security may have led to an over-reliance on children providing future care and support to their parents. This may have contributed to the perpetuation of harmful traditional practices and attitudes such as a preference for boys, to the detriment of the protection and promotion of the rights of girls and of disabled children.

106. The Committee feels there is a need to consider questions relating to the definition of the child, including in relation to the age of criminal responsibility, so as to ensure that national legislation and related procedures

duly take into consideration the provisions and general principles of the Convention, including the best interests of the child.

107. In the view of the Committee, insufficient steps have been taken to create awareness of the provisions and principles of the Convention, notably articles 2, 3, 6 and 12, among adults, including professionals working with or for children, and children themselves.

108. While noting the measures taken to confront the problems of discrimination on the grounds of gender and disability, the Committee remains concerned at the persistence of practices leading to cases of selective infanticide.

109. Serious concerns remain as to the effectiveness of measures taken to ensure the registration of all children, through the household registry. As acknowledged by the State party, absence of registration may be due to parents' lack of knowledge of the relevant law and policy and of the negative effects of non-registration on children's legal status. The migration of people from their traditional place of residence may cause similar difficulties. Deficiencies in the registration system lead to children being deprived of basic safeguards for the promotion and protection of their rights, including in the areas of child trafficking, abduction, sale and maltreatment, abuse or neglect. In this connection, the situation of "unregistered girls" as regards their entitlement to health care and education is a matter of concern to the Committee.

110. The Committee remains concerned about the actual implementation of the civil rights and freedoms of children. The Committee wishes to emphasize that the implementation of the child's right to freedom of thought, conscience and religion should be ensured in the light of the holistic approach of the Convention and that limitations on the exercise of this right can only be placed in conformity with article 14, paragraph 3, of the Convention.

111. The Committee is extremely concerned about the situation of children provided with care in welfare institutions. The Committee observes that the very high mortality rate in such institutions is a cause for serious alarm. While the Committee appreciates the steps being taken to ensure, inter alia, the separation of children from adults in institutions and in providing training to the staff, it remains deeply concerned about the inadequate measures adopted to ensure qualitative care to children as required by article 3, paragraph 3, of the Convention.

112. The Committee shares the concern expressed by the State party as regards the number of children in China who still do not attend school. It is also concerned about reports that school attendance in minority areas, including the Tibet Autonomous Region, is lagging behind, that the quality of education is inferior and that insufficient efforts have been made to develop a bilingual education system which would include adequate teaching in Chinese. These shortcomings may disadvantage Tibetan and other minority pupils applying to secondary and higher-level schools.

113. In the framework of the exercise of the right to freedom of religion by children belonging to minorities, in the light of article 30 of the Convention, the Committee expresses its deep concern in connection with violations of human rights of the Tibetan religious minority. State intervention in religious principles and procedures seems to be most unfortunate for the whole generation of boys and girls among the Tibetan population.

114. The Committee remains concerned that national legislation appears to allow children between the ages of 16 and 18 to be sentenced to death, with a two-year suspension of execution. It is the opinion of the Committee that the imposition of suspended death sentences on children constitutes cruel, inhuman or degrading treatment or punishment. Furthermore, it is noted that under the Penal Code a juvenile offender aged between 14 and 18 may legally be sentenced to life imprisonment for a particularly serious crime. Although the sentence of life imprisonment may be reduced on the grounds of "repentance" or "merit", and judicial experience in China shows that sentences to life imprisonment can benefit from a mitigation, the Committee wishes to stress that the Convention prescribes that neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below the age of 18. It is the Committee's view that the aforementioned provisions of national law are incompatible with the principles and provisions of the Convention, notably those of article 37 (a).

115. Additionally, the Committee remains concerned about the extent to which adequate safeguards are in place within the present system of juvenile justice in China. In this context, the Committee expresses concern with respect to the access of parents during the pre-trial detention of their children, the possibilities for the provision of legal assistance to children, the sufficiency of the time allocated for the preparation of a child's defence, as well as respect for the presumption of innocence and the principle of nullum crimen sine lege, nulla poena sine lege, as reflected in article 40, paragraph 2 (a).

116. The Committee shares the State party's concern that there has been an upsurge in recent years of kidnapping and abduction of children. In this connection, the Committee wishes to express its serious concern about the apparent inadequacy of measures taken to prevent and combat the problems of the sale, trafficking and sexual exploitation of children.

### (e) Suggestions and recommendations

117. In the light of the discussion in the Committee on the question of the continuing need for the State party's reservation to article 6 of the Convention and the information provided by the State party that it is open to considering making adjustments in regard to its reservation, the Committee encourages the State party to review its reservation to the Convention with a view to its withdrawal.

118. The Committee recommends that a comprehensive review of the domestic legal framework be undertaken. Such a review requires that the provisions and principles of the Convention serve as both its guide and support and that it encompass not only national but also local-level legislative and administrative measures impacting on the rights of the child.

119. The Committee recommends that the State party consider the possibility of setting up an independent institution such as an ombudsperson for children's rights. Such a mechanism can play an important role both in monitoring institutions working in the field of the rights of the child, including in the areas of welfare, education and juvenile justice, and in contributing to the more rapid identification of emerging problems in these fields with a view to their constructive solution.

120. The Committee, in taking note of the activities undertaken throughout the State party to develop and implement outlines for the follow-up to the World Summit for Children, recommends that future outlines, development plans,

programmes or plans of action on the rights of the child be prepared on the basis of all the provisions and principles of the Convention.

121. The State party is urged to take further action to strengthen its capacity for a systematic approach to collecting disaggregated statistical data and other information on the status of children. The Committee recommends that serious consideration be given to this matter by the State party as the analysis of such data and information is one additional and important means of designing programmes for the implementation of the rights of the child.

122. It is the recommendation of the Committee that the principles and provisions of the Convention on the Rights of the Child be widely disseminated throughout the country, including through the mass media, such as radio and television. It is suggested that the State party may wish to request the cooperation of the United Nations Children's Fund in this regard. The translation of the Convention into the major national minority languages would form an integral part of these dissemination activities.

123. The Committee would also like to recommend that measures be taken to incorporate education on the principles and provisions of the Convention into training programmes for different professionals working with or for children, including social workers, personnel in welfare institutions, doctors, health and family planning workers, teachers, judges, lawyers, police, personnel in detention facilities and armed forces personnel, as well as government officials and decision makers.

124. A review of the policy in place for the implementation of article 4 of the Convention is recommended by the Committee. The Committee wishes to emphasize that the focus of any such review should be in relation to the measures being taken to reduce regional and urban-rural disparities in the allocation of resources for the rights of the child, especially with respect to health and education.

125. Equally, the Committee recommends that greater attention and consideration be given to the provision of social security. It is the Committee's view that remedial measures should be sought to avoid families' over-dependence on their children, in particular providing them with care in their old age.

126. Further measures are required to ensure the implementation of the general principles of the Convention. With regard to article 12 of the Convention, it is the Committee's view that greater attention should be accorded to providing children with opportunities to participate and have their views heard and taken into account. It is important that awareness be developed of the child as a subject of rights and not only as a recipient of protection. The Committee suggests that further attention be accorded to reviewing the effectiveness of procedures available to children for the presentation and investigation of complaints of their abuse or neglect, in the event of such violations arising from, inter alia, domestic violence and abuse in institutions or detention facilities.

127. The Committee concurs with the observations of the State party that concerted action is called for to address the problems faced by the girl child. While acknowledging the measures taken by the State party in campaigning and creating awareness among the population of the equality of girls and boys, the Committee suggests that local and other leaders be invited to take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in this regard.

128. From information provided by the State party, the Committee notes that, while the incidence of disability among the child population is low, disabled children have been the victims of abandonment and discrimination. In this regard, the Committee recommends that the State party undertake further research on the measures required to prevent and combat discrimination on the ground of disability.

129. It is the Committee's view that family planning policy must be designed to avoid any threat to the life of children, particularly girls. The Committee recommends in this regard that clear guidance be given to the population and the personnel involved in the family planning policy to ensure that the aims it promotes are in accordance with the principles and provisions of the Convention, including those of article 24. The State party is urged to take further action for the maintenance of strong and comprehensive measures to combat the abandonment and infanticide of girls, as well as the trafficking, sale and kidnapping or abduction of girls.

130. The Committee acknowledges the information provided by the State party on the results of two population censuses conducted in 1982 and 1990 and that the non-registration of newborn girls is a major factor contributing to the imbalance in the ratio of boys to girls. The Committee, while noting that the State party has adopted measures to reduce the under-reporting of girl children, recommends that urgent measures be taken to develop more widespread awareness of the importance of registration. In the light of recent developments, such as population movements within the country, the Committee also recommends that the State party consider the possibility of reviewing the effectiveness of the existing system of registration.

131. It is the opinion of the Committee that further measures should be taken by the State party to promote the possibilities for children, particularly those who have been abandoned, to grow up in a home-like environment through, inter alia, fostering and adoption. The Committee also suggests that the State party review the present legislation on adoption, in the light of the principles and provisions of the Convention, notably those of its articles 20 and 21, so as to evaluate the effectiveness of national legislation in facilitating domestic adoption.

132. The State party is urged to take further action to improve the situation of children in welfare institutions. In this regard, the Committee wishes to draw the particular attention of the State party to the principles and provisions of the Convention, notably those of articles 3, paragraph 3, and 25. The Committee recommends that a further review of the training provided to the staff of such institutions be undertaken. The training should be reviewed from the perspective of securing the most effective pedagogical, professional and child-oriented approach to the provision of care. Measures are also required to ensure the effective supervision of staff and the periodic review of the treatment provided to children in such institutions. In the light of other issues raised during the dialogue with the State party, the Committee also suggests that further consideration be given to reviewing the systems in place for monitoring welfare institutions and for providing such institutions with adequate financing. Within the framework of facilitating access to knowledge and the sharing of expertise and experiences on these matters, including in the light of the provisions of articles 4, 23, 24, 28 and 45 of the Convention, the Committee suggests that consideration be given to the possibility of inviting the United Nations Children's Fund, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization to cooperate with the State party in this regard.

133. The Committee suggests that a review be undertaken of measures to ensure that children in the Tibet Autonomous Region and other minority areas are guaranteed full opportunities to develop knowledge about their own language and culture, as well as to learn the Chinese language. Steps should be taken to protect these children from discrimination and to ensure their access to higher education on an equal footing.

134. The Committee recommends that the State party seek a constructive response to the concerns expressed in paragraph 113 above.

135. The Committee concurs with the contents of the observations adopted by the Committee against Torture where the points raised are relevant to the situation of children below the age of 18. The Committee recommends that a thorough review of the legislative and administrative measures and procedures in place within the State party in relation to juvenile justice be reviewed to ensure their conformity with the principles and provisions of the Convention, notably articles 37, 39 and 40, and other instruments relevant to the administration of juvenile justice, in particular the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee would like to suggest that the State party consider the possibility of requesting assistance in this regard from the relevant United Nations bodies, including the Centre for Human Rights.

136. With regard to the question of child labour, the Committee encourages the State party to consider the possibility of becoming a party to International Labour Organization Convention No. 138 concerning the minimum age for employment.

137. Finally, the Committee recommends that the widest dissemination be given to the State party's report, the discussion on the report in the Committee and the concluding observations the Committee adopted following examination of the report.

138. In the light of the provisions of article 44, paragraph 4, of the Convention, the Committee requests that further written information be provided to the Committee with respect to the concerns raised in paragraphs 111, 114, 115 and 116 of the present observations. The Committee would appreciate receiving this information by December 1997.

## 4. Concluding observations: Nepal

139. The Committee considered the initial report of Nepal (CRC/C/3/Add.34) at its 301st to 303rd meetings, on 29 and 30 May 1996 (CRC/C/SR.301-303), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

### (a) Introduction

140. The Committee expresses its appreciation to the Government of Nepal for the submission of its initial report, its written information in reply to the questions set out in the list of issues (CRC/C.12/WP.3), as well as the additional information provided by the State party during the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions but also the difficulties encountered during implementation of the Convention.

### (b) Positive aspects

141. The Committee notes the efforts made by the Government in the field of law reform, especially the adoption of a new Constitution - with a special section to ensure the rights of the child - and the Children's Act which covers many areas concerning children's rights. The Committee notes with appreciation that the Government is willing to review its present legislation, including in relation to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as well as a system of compensation to the victims. It also welcomes the fact that the delegation has confirmed the Government's willingness to ratify International Labour Organization Convention No. 138.

142. The Committee welcomes the Government's efforts to establish mechanisms to deal with children's issues and the question of children's rights, in particular the Central Child Welfare Board and the District Child Welfare Boards. It also notes with satisfaction the recent establishment of a National Council for Women and Child Development and of a Child and Women Development Section in the National Planing Commission Secretariat.

143. The Committee also notes with appreciation the openness of the State party to international advice and technical assistance to ensure full implementation of the provisions of the Convention on the Rights of the Child, including in the fields of discrimination, child labour, child trafficking, the sale of children and the administration of juvenile justice.

144. The Committee notes with satisfaction that the State party has adopted a National Plan of Action and has formulated a 10-year National Programme of Action for Children and Development for the 1990s.

145. The Committee welcomes the readiness of the State party to collaborate with the non-governmental organization community, including children's organizations, which was reflected in the drafting process of the Government's report and in the presence during the dialogue of a child representative of a non-governmental organization.

146. The Committee welcomes the decision of the Government to hold a press conference in Nepal prior to the consideration by the Committee of its initial report, as a means to create awareness in the public at large of the international commitments undertaken to promote and protect children's rights. It is further encouraged by the statement by the delegation that it will present the concluding observations of the Committee in another press conference upon return to Nepal.

### (c) Factors and difficulties impeding the implementation of the Convention

147. The Committee notes that Nepal is one of the poorest countries in the world, where more than half the population lives in absolute poverty which mainly affects the most vulnerable groups and hampers the enjoyment of children's rights. This reality, added to the foreign debt and debt servicing, represents serious difficulties affecting the degree of fulfilment of the Government's obligations under the Convention.

### (d) Principal subjects of concern

148. The Committee is concerned at the inadequate measures adopted to ensure that national legislation fully conforms with the principles and provisions of

the Convention. The Committee notes in particular the lack of conformity of legislative provisions concerning non-discrimination, including in relation to marriage, inheritance and parental property, torture and corporal punishment. The Committee is also concerned about the gap between existing legislation and its practical implementation.

149. The Committee expresses its concern that the State party has not fully taken into account in its legislation and policy-making the general principles of the Convention: article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

150. The Committee is particularly concerned at the insufficient measures adopted to ensure the effective implementation of the principle of non-discrimination. It notes the persistent discriminatory attitudes towards girls, as reflected in the prevailing son preference, the persistence of early marriages, the notably lower school attendance of girls and their higher drop-out rate. It also is concerned at the different marriage age of girls and boys, which is not in conformity with article 2 of the Convention. The Committee is further concerned at the caste system and traditions such as the deuki, kumari and devis. The Committee also expresses its concern at section 7 of the Children's Act which allows parents, members of the family and teachers to beat a child "if it is thought to be in the interest of the child", as well as at the fact that, as recognized in the State party's report, the views of the child are unlikely to be respected. The persistence of such traditional practices and attitudes seriously hampers the enjoyment of the rights of the child.

151. The Committee is concerned at the slow pace of the State party in establishing an efficient coordination mechanism between relevant ministries, as well as between central and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

152. The Committee is concerned at the insufficient attention paid to systematic and comprehensive data collection and identification of appropriate indicators, as well as to a monitoring mechanism for all areas covered by the Convention and in relation to all groups of children, including children belonging to minorities, to lower castes, children of very poor families, children in rural areas, disabled children, children placed in institutions, children victims of sale, trafficking and prostitution and children living and/or working on the street.

153. As regards the implementation of article 4 of the Convention, the Committee is concerned about the failure of the Government to accord priority to the implementation of economic, social and cultural rights of children to the maximum extent of available resources. In the view of the Committee, insufficient attention has been paid to the most disadvantaged groups, in both rural and urban areas.

154. The Committee is concerned at the insufficient steps taken to ensure birth registration of children, particularly those living in remote areas, and to the adverse effects arising therefrom for the enjoyment of their fundamental rights.

155. The Committee is worried about the high rate of school drop-outs, especially among girls living in rural areas, and the high incidence of child labour. It is also concerned at the difficulties encountered by children living

in rural and remote areas and disabled children in securing basic services, such as health care, social services and education.

156. In the light of article 28, the Committee wishes to express its deep concern about the fact that primary education is not compulsory for all children. It is also concerned at the high level of illiteracy among children and adults.

157. The Committee is concerned that appropriate measures have not yet been taken to effectively prevent and combat any form of ill-treatment and corporal punishment of children within the family. It is seriously worried about the absence of adequate legislation and mechanisms designed to ensure the recovery and reintegration of child victims in the light of article 39 of the Convention.

158. The large and growing number of children who, owing to rural exodus, extreme poverty and violence and abuse within the family, are forced to live on the streets, are deprived of their fundamental rights and are exposed to various forms of exploitation is a matter of deep concern.

159. The Committee is worried about the fact that a large number of children are involved in child labour, including in the informal sector, particularly as domestic servants, in agriculture and in the family context.

160. In view of the scale of the problem of sale and trafficking of children, especially girls, the Committee is deeply concerned about the absence of a specific law and policy to combat this phenomenon.

161. The Committee is concerned at the increasing phenomenon of child prostitution that affects in particular children belonging to the lower castes. It is worried about the absence of measures to combat this phenomenon and the lack of rehabilitation measures. The Committee is also concerned at the inadequate measures taken to address the situation of children addicted to drugs.

162. The situation of the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. It is concerned, inter alia, about the too low age of criminal responsibility, about the provision of the Muluki Ain No. 2 that allows mentally ill children to be put in jail and chained, and the legal definition of torture, which is not in compliance with article 37 (a) of the Convention.

(e) Suggestions and recommendations

163. The Committee recommends that the State party undertake, in all necessary areas, adequate legal reform to ensure full conformity of its legislation with all the provisions of the Convention, in particular that it take fully into account the Convention's general principles (arts. 2, 3, 6 and 12).

164. In order to effectively combat persisting discriminatory attitudes and negative traditions affecting girls, the Committee encourages the State party to launch a comprehensive and integrated public information campaign aimed at promoting children's rights within the society, and particularly within the family. The Committee also recommends that the State party ensure specific training on the Convention for professional groups working with and for

children, including teachers, social workers, health personnel, judges and law enforcement officials. International cooperation with, inter alia, the Centre for Human Rights and the United Nations Children's Fund could be sought to this effect.

165. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of articles 12 and 42 of the Convention. It encourages the State party to further increase public awareness of the participatory rights of children, as well as to consider incorporating the Convention in the school curriculum.

166. The Committee recommends that the State party take all necessary steps to strengthen coordination between the different governmental mechanisms involved in children's rights, at both the central and local levels, and ensure close cooperation with non-governmental organizations.

167. The Committee further recommends that the State party undertake to gather all necessary information on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including those belonging to the most vulnerable groups. It also suggests that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, paying particular attention to the adverse effects of economic policies on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson or a human rights commission, to monitor the realization of the rights of the child and to deal with individual complaints relating thereto.

168. With respect to the implementation of article 4 of the Convention, the Committee recommends that particular attention be paid to the need to ensure budget allocations, to the maximum extent of available resources, to implement economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child. International cooperation resources should be channelled towards the realization of children's rights and efforts should be pursued to reduce the negative impact of foreign debt and debt servicing on children.

169. Children's birth registration should be given priority to ensure that every child is recognized as a person and enjoys his or her full rights. The Committee encourages further steps to ensure the birth registration of children, including the establishment of mobile registration offices and registration units in schools.

170. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to reduce the drop-out rate of girls in rural and urban areas and to prevent their involvement in child labour or prostitution, and to reinforce the access to basic services (health, education and social care) for children in rural areas and for disabled children throughout the country. The Government should in particular take concrete measures, including awareness campaigns to change negative attitudes, to protect children belonging to the lowest castes from any form of exploitation.

171. In order to promote the protection of refugee children, the Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees.

172. In the light of article 19 of the Convention, the Committee further recommends that the Government take all appropriate measures, including of a legislative nature, to combat any form of ill-treatment and sexual abuse of children, including within the family. It suggests, inter alia, that the authorities gather information and initiate a comprehensive study to improve the understanding of the nature and scope of the problem and set up social programmes to prevent all types of child abuse and neglect.

173. The Committee further recommends that firm measures be taken to ensure the right of survival of all children in Nepal, including those who live and/or work on the street. Such measures should aim at the effective protection of children against any form of exploitation, particularly child labour, prostitution, drug-related activities and child trafficking and sale.

174. In regard to the problem of child labour, the Committee suggests that Nepal consider ratifying International Labour Organization Convention No. 138 concerning the minimum age for admission to employment and review all relevant national legislation, with a view to bringing it into conformity with the Convention on the Rights of the Child and other relevant international standards. Child labour laws should be enforced, a system of inspection established, complaints investigated and severe penalties imposed in case of violation. Special attention should be paid to the protection of children involved in the informal sector, including as domestic servants. The Committee suggests that the Government consider seeking cooperation from the International Labour Organization in this area.

175. In order to effectively combat intercountry trafficking and sale of children, the Committee strongly suggests that Nepal take all appropriate measures, including legislative and administrative ones, and encourages the State party to consider adopting bilateral measures to prevent and eliminate such phenomena. Awareness campaigns should be developed at the community level and a thorough monitoring system should be established.

176. In the field of the administration of juvenile justice, the Committee recommends that legal reform be pursued, taking fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to raising the minimum age of criminal responsibility, the establishment of juvenile courts, the enforcement of existing legislation, the prevention of juvenile delinquency, alternatives to deprivation of liberty and institutional care, the protection of the rights of children deprived of liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system, and the full independence and impartiality of the juvenile judiciary. The law permitting the placement of mentally disturbed children in jails should be reviewed as a matter of urgency.

177. The Committee suggests that a technical assistance programme be developed with the Centre for Human Rights, including in the areas of law reform in the field of children's rights and training of professionals working with children. Special attention should be paid to training programmes on the relevant international standards, in particular for judges, law enforcement officials,

correctional officers and social workers. Attention should also be given to awareness and information campaigns on the Convention on the Rights of the Child. Moreover, consideration should be pursued in relation to the establishment of a commission on human rights or other independent mechanisms to monitor the realization of children's rights issues.

178. In the light of the areas of concern identified by the Committee and the recommendations made, the Committee suggests that the Government consider seeking technical assistance from relevant international organizations, including the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the World Health Organization. Consideration may be given to the establishment of a task force of the international organizations present in the country, with a view to promoting and protecting the rights set forth in the Convention. The Committee also encourages the international community to assist the State party in its current efforts.

179. The Committee encourages the State party to disseminate widely its initial report, the summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament as a means of ensuring a follow-up to suggestions and recommendations made by the Committee.

## 5. Concluding observations: Guatemala

180. The Committee considered the initial report of Guatemala (CRC/C/3/Add.33) at its 306th to 308th meetings, on 3 and 4 June 1996 (CRC/C/SR.306-308), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

### (a) Introduction

181. The Committee expresses its appreciation to the State party for its report and its replies to the Committee's list of questions, as well as for the information provided on the most recent measures taken to implement the Convention.

182. The openness of the State party's high-level delegation in acknowledging the problems, difficulties and challenges facing the State party in implementing the principles and provisions of the Convention is highly appreciated. The Committee expresses its appreciation to the State party for engaging in a constructive dialogue and for its willingness to take into account the recommendations made by the Committee.

### (b) Positive factors

183. The Committee welcomes the steps taken to secure a durable peace within Guatemala, particularly by enhancing the enjoyment of human rights, including for the indigenous peoples. In this connection, the Committee notes the adoption of the Agreement on the Identity and Rights of Indigenous Peoples and the Agreement on Socio-Economic Aspects and the Agrarian Situation. The ratification by Guatemala of International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries is also welcomed.

184. Further positive developments as evidenced by the signing of the Comprehensive Agreement on Human Rights, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, and the establishment of the United Nations Verification Mission in Guatemala (MINUGUA), particularly its human rights component, are noted with interest. Additional measures taken with a view to strengthening the monitoring and implementation of human rights are noted. In this regard, the Committee notes with satisfaction the establishment of the Office of the Human Rights Procurator and its Children's Ombudsman.

185. The establishment of the Presidential Commission for Coordinating Policy in the Field of Human Rights and the work of the Social Committee within the Cabinet of Ministers are also noted with interest, especially as regards the formulation of policies for improving the social and economic development of the most vulnerable groups in Guatemalan society.

### (c) Factors and difficulties

186. More than 30 years of armed conflict in the country have left a legacy of human rights violations, impunity and a climate of fear and intimidation which hampers the confidence of the population in the ability of procedures and mechanisms to ensure respect for human rights.

187. The decades of conflict affecting society have resulted in the frequent use of violence, including within the family.

188. As recognized by the State party, the root causes of the armed conflict need to be tackled, embedded as they are in socio-economic disparities and uneven land distribution, as well as in historical social contrasts within the country. High levels of poverty and illiteracy and discrimination against the indigenous population and those living in poverty contribute to widespread violations of human rights.

189. Problems relating to the situation of refugees, internally displaced persons and returnees have also arisen out of the armed conflict. In this connection, the difficult task of meeting the needs and expectations of the population that remained in or fled from the country during the period of armed conflict is recognized.

### (d) Principal subjects of concern

190. The inadequacy of measures adopted to allocate priority to the implementation of the principles and provisions of the Convention and the absence of a national policy for children are matters of concern to the Committee.

191. The Committee is equally concerned about the lack of measures to harmonize national legislation with the principles and provisions of the Convention. It is especially concerned that the Minors Code currently in force in Guatemala contains provisions which are incompatible with the Convention and does not address all the rights recognized by the Convention.

192. The Committee is deeply concerned about the insufficient efforts to collect disaggregated statistical data and to identify appropriate qualitative and quantitative indicators on the situation of children, particularly those belonging to the most disadvantaged groups, including those living and/or working on the street, victims of abuse, neglect or ill-treatment and internally displaced children.

193. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention to adults and children alike, particularly to those belonging to indigenous populations, in the light of article 42 of the Convention. The failure to provide sufficient activities to train and educate professionals working with or for children about the Convention is to be regretted.

194. The Committee is concerned about lacunae identified in national legislation. In this connection, the failure to provide for an age for the completion of compulsory education as required by the Constitution of Guatemala, as well as by article 2 of International Labour Organization Convention No. 138, is a matter of considerable concern to the Committee. Equally, the Committee is deeply concerned that national legislation does not prohibit capital punishment or life imprisonment without the possibility of release, as required by the provisions of article 37 (a) of the Convention. Moreover, the absence in national legislation of a minimum age for criminal responsibility causes deep concern to the Committee. Similarly, the low age of marriage for girls, which is different from that for boys, is, in the Committee's view, also incompatible with the principles and provisions of the Convention.

195. In view of the historical disparities affecting indigenous children and children belonging to groups living below the poverty line, as well as girls, the Committee is concerned about the adequacy of measures to ensure the effective implementation of the economic, social and cultural rights of children at the national, regional and local levels, in the light of articles 2, 3 and 4 of the Convention.

196. The Committee is concerned at the insufficient support given to families facing severe problems in fulfilling their responsibilities as regards the upbringing of their children. The Committee shares the concern expressed by the representative of the State party at the widespread severe malnutrition and at the inadequacies of data and statistics monitoring nutrition.

197. Particular concern is expressed at the inadequate measures taken to ensure the effective implementation of the general principles of the Convention on the Rights of the Child both in legislation and in practice.

198. Deficiencies in the system of birth registration are of deep concern to the Committee since the failure to register children prevents them from being recognized as persons, from having access to education and health services and from being protected against trafficking and illegal adoption.

199. The Committee is deeply alarmed at the persistence of violence against children, including at the reported information on the 84 children killed. The high number of child victims of violence raises serious concern, particularly in view of the ineffectiveness of investigations into crimes committed against children which paves the way for widespread impunity.

200. The Committee notes with concern the information provided by the State party that an illegal adoption network has been uncovered and that the mechanisms to prevent and combat such violations of children's rights are insufficient and ineffective.

201. Despite the considerable progress achieved in recent years in improving infant and maternal care, the Committee remains concerned about the relatively high maternal, infant and under-five mortality rates. The Committee observes that some factors contributing to high maternal deaths may be related to the

inadequacies of the training given to birth attendants and of home deliveries. It is also the view of the Committee that many problems remain with respect to the reproductive health of women, the low birth weight of children being a possible manifestation of this fact.

202. The Committee is seriously concerned that the majority of children of school age are not attending school, but are involved both in the informal and formal work sectors. Moreover, the Committee is disturbed about the inadequacy and ineffectiveness of the measures designed to ensure the establishment of appropriate standards and to monitor the working conditions of children when such activities are compatible with article 32 of the Convention. The Committee is seriously concerned at the persistence of child labour and about the lack of accurate assessment by the Government of the dimensions of the phenomenon in the country.

203. The juvenile justice system in the State party raises serious concern in the Committee, in particular the system of irregular behaviour (conducta irregular). The Committee is further concerned about the lack of specialized training of professionals working in the field of juvenile justice, which hampers efforts to ensure the independence of the judiciary and the capacity of the system to effectively investigate crimes committed against children and undermines measures to eradicate impunity.

### (e) Suggestions and recommendations

204. The Committee recommends that children's issues be accorded a higher priority in the State party. It is the Committee's view that the development of a global and national policy on children must be attended to urgently. The Committee also recommends that the State party adopt all the necessary measures to ensure that its national legislation fully conforms to the Convention. In this regard, and in recognition of the importance of ensuring an integrated legal approach to children's rights in the light of the principles and provisions of the Convention, the Committee encourages the State party to pursue its efforts aimed at the adoption of a code on children and adolescents.

205. The Committee recommends that legislative measures be undertaken to ensure that national legislation conforms with the provisions of articles 37 and 40 of the Convention, including establishing a minimum age of criminal responsibility. The Committee also recommends that the State party set the age for completion of compulsory schooling at 15 and consider raising the minimum age of employment to 15. Furthermore, the Committee recommends that the State party review its legislation on the age of marriage for girls in the light of the principles and provisions of the Convention, notably those of its articles 2, 3 and 24, with a view to raising it and ensuring the same age for girls and boys.

206. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework for the promotion and protection of human rights in general and the rights of the child in particular. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordinating and implementing the Convention at the national and local levels and in urban and rural areas. The Committee also encourages the promotion of close cooperation with non-governmental organizations in this regard.

207. The Committee further recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such

mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights, and can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including girls, children living in rural areas and indigenous children. It is further suggested that the State party request international cooperation in this regard, particularly from the United Nations Children's Fund.

208. In view of the State party's willingness to develop a culture of human rights and to change attitudes towards children in general and the indigenous population in particular, the Committee recommends that information and education about children's rights be disseminated among children and adults alike. It is also recommended that consideration be given to the translation of such information into the main indigenous languages and that appropriate measures be adopted to spread such information in such a way that it reaches groups affected by a high level of illiteracy. In the light of the considerable experience of the United Nations Children's Fund and other organizations in responding to such challenges, it is recommended that international cooperation be sought in this regard.

209. It is the view of the Committee that training and education in the principles and provisions of the Convention on the Rights of the Child is urgently required and must encompass all professionals working with or for children. In addition, the Committee recommends that the inclusion of children's rights in the school curriculum be pursued as a measure to enhance respect for the indigenous culture and multiculturalism and to combat paternalistic and discriminatory attitudes which, as recognized by the State party, continue to prevail in society.

210. With respect to article 4 of the Convention, it is the Committee's opinion that sufficient budgetary provision must be made to respond to national and local priorities for the protection and promotion of children's rights. While noting the trend towards decentralizing the provision of services to the municipal level as a means of promoting greater popular participation, the Committee emphasizes that such a policy must be designed to overcome and remedy existing disparities between the regions and rural/urban areas. To ensure the full implementation of article 4, the Committee recommends that consideration be given to the provision of international assistance within the general framework of the Convention.

211. The Committee recommends that urgent measures be taken to ensure effective consideration of the general principles of the Convention, namely, its articles 2, 3, 6 and 12, in the national process of implementing the Convention.

212. The Committee recommends that a comprehensive public information campaign be developed and implemented urgently to combat the abuse of children in the family and within society, as well as the use of corporal punishment in schools.

213. The Committee recommends that the State party introduce the measures necessary to monitor and supervise effectively the system of adoption of children in the light of article 21 of the Convention. It is also recommended that adequate training be provided to concerned professionals. In addition, it is recommended that the Government consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

214. The Committee encourages the State party to strengthen its support to families in carrying out their child-rearing responsibilities, such as by providing nutritious food and conducting vaccination programmes. As a means of addressing the problems of maternal death and poor antenatal care and delivery services, the Committee suggests that the State party consider introducing a more effective system for training medical personnel and birth attendants. The Committee also recommends that the State party consider requesting international cooperation from relevant international organizations to address issues relating to the reproductive health of women.

215. The Committee encourages the State party to implement the "Food for Education Programme" as an incentive for children to attend school. It also recommends that a comprehensive nutritional programme be developed, taking into particular account the special needs of children.

216. The Committee encourages the State party to pursue its efforts, in conformity with the Agreement on Socio-Economic Aspects and the Agrarian Situation, to increase the budgetary allocations for education by 50 per cent up to the year 2000. With a view to ensuring the implementation of articles 28 and 29 of the Convention, the Committee recommends that the State party focus greater efforts on providing for compulsory and free primary education, eradicating illiteracy and ensuring the availability of bilingual education for indigenous children. Moreover, greater efforts should be made in training qualified teachers. Such measures will contribute to the prevention of any form of discrimination on the basis of language with regard to the right to education.

217. The Committee recommends that provision be made for offering social assistance to families to help them with their child-rearing responsibilities as laid down in article 18 of the Convention as a means of reducing institutionalization of children. Further efforts are also required to ensure the active participation of disabled children in the community in conditions which ensure their dignity and promote their self-reliance, as well as to ensure that disabled children are separated from adults suffering from mental ill health. The Committee recommends that measures be taken to review periodically the placement and treatment of children, as required under article 25 of the Convention.

218. The problems of children traumatized by the effects of armed conflict and violence in society are, in the Committee's view, a matter of serious concern. In this connection, the Committee recommends that the State party give consideration to the implementation of specific projects for children, to be carried out in an environment which fosters the health, self-respect and dignity of the child.

219. In view of the fact that the Constitution of Guatemala recognizes the predominance of duly ratified international conventions in the field of human rights, the Committee urges the State party to apply the principles and provisions of the Convention in the area of juvenile justice, rather than the provisions of the national legislation which are in contradiction with the Convention, in particular those relating to the system of "irregular behaviour". The Committee further recommends that the juvenile justice system be revised to ensure that it is compatible with the principles and provisions of the Convention, including its articles 37, 39 and 40, as well as other relevant international instruments in the field. In this connection, it is recommended that the State party consider requesting technical assistance from international organizations, including the United Nations Centre for Human Rights.

220. As a means of tackling the interrelated issues of education and child labour, the Committee recommends that all necessary measures be adopted to ensure that children have access to education and that they are protected from involvement in exploitative activities. The Committee further recommends that effective public awareness campaigns be launched for the prevention and elimination of child labour in the light of article 32 of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from the International Labour Organization.

221. The Committee recommends that the State party consider developing an agenda for priority action to ensure an integrated approach to the implementation of human rights in Guatemala in the light of the suggestions and recommendations addressed to the State, particularly in the area of children's rights.

222. Finally, the Committee recommends that the State party's report, the summary records of the examination of the report in the Committee and the Committee's concluding observations be given wide dissemination in Guatemala. The Committee suggests that these documents be brought to the attention of the Congress as a means of ensuring follow-up to the suggestions and recommendations made by the Committee.

## 6. Concluding observations: Cyprus

223. The Committee considered the initial report of Cyprus (CRC/C/8/Add.24) at its 309th to 311th meetings, on 4 and 5 June 1996 (CRC/C/SR.309-311), and at its 314th meeting, on 7 June 1996, adopted the following concluding observations.

### (a) Introduction

224. The Committee expresses its appreciation to the Government of Cyprus for the submission of its initial report, its written information in reply to the questions set out in the list of issues (CRC/C.11/WP.3) and the constructive and fruitful dialogue. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions but also the difficulties encountered during implementation of the Convention.

### (b) Positive aspects

225. The Committee welcomes the efforts undertaken by the Government to review the national legal framework in order to harmonize it with the provisions and principles of the Convention. In this regard, the Committee notes with satisfaction that the Juvenile Offenders Law is currently being revised. It also notes with satisfaction that the death penalty for ordinary crimes has been abolished and welcomes the fact that Parliament is currently discussing the adoption of a bill prohibiting capital punishment for acts of high treason.

226. The Committee also notes with satisfaction that the Convention has been invoked in court proceedings and it welcomes the commitment made during the dialogue by the government delegation to send information on those judicial decisions.

227. The Committee welcomes the establishment of the Central Committee for Monitoring the Implementation of the Convention on the Rights of the Child. It also notes with satisfaction the organization by the Committee for the

Protection and Welfare of Children since 1989 of a "Children's week", focusing on the Convention.

228. The Committee further notes the existence of comprehensive programmes and services for the welfare of children.

229. The Committee welcomes the recent ratification by the State party of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

230. The Committee welcomes the readiness of the State party to collaborate with the non-governmental organization community.

### (c) Factors and difficulties impending the implementation of the Convention

231. The Committee notes that the State party, as a consequence of events which occurred in 1974 and which resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. The fact that no information on children living in the occupied territories is available is a matter of concern to the Committee.

### (d) Principal subjects of concern

232. The Committee is concerned at the lack of conformity with the Convention of legislative provisions in some matters relating to the definition of the child, in particular the age of seven for criminal responsibility. It is also concerned that children between 16 and 18 years of age are considered as adult offenders in the criminal justice system.

233. The Committee also expresses its concern that the State party has not yet fully taken into account in its legislation and policy-making the general principles of the Convention (see in particular paras. 234, 235 and 236 below): article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child) and article 12 (respect for the views of the child).

234. The Committee remains concerned about the apparent persistence of discriminatory attitudes towards children born out of wedlock with regard to their right to a name and to citizenship.

235. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, insufficient attention has been accorded to ensuring that children are involved in decisions, including within the family, and in administrative and judicial procedures regarding them.

236. The Committee is concerned about the decisions taken in matters relating to adoption without fully respecting the principles of article 3 (best interest of the child).

237. The Committee is concerned at the insufficient attention paid to systematic and comprehensive data collection, identification of appropriate indicators and monitoring mechanisms for all areas covered by the Convention in relation to all groups of children, including minority group children, children in rural areas, institutionalized and disabled children and child victims of sexual exploitation.

238. The Committee is concerned at the persistence of traditional practices and attitudes that may affect the development of some children. The Committee is particularly concerned about the consequences of early marriages. It is also concerned about the insufficient awareness and understanding among adults and children of the principles and provisions of the Convention.

239. In the light of articles 7 and 8 of the Convention, the Committee notes that while the procedure for birth registration is adequate, it remains concerned that the application in some rural areas may result in some children being hampered in the enjoyment of their rights.

240. The Committee is concerned at the recent incidence of prostitution which affects particularly non-Cypriot children. It is also worried about the increasing number of children working as domestic servants in illegal conditions and who are vulnerable to all types of abuse, including sexual abuse and exploitation.

241. The situation of the system of the administration of juvenile justice, and in particular the lack of compatibility with articles 37 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee.

### (e) Suggestions and recommendations

242. The Committee recommends that the State party undertake legislative reform to ensure that legislation conforms fully with all the provisions of the Convention, in particular its general principles (arts. 2, 3, 6 and 12).

243. The Committee further recommends that the State party gather all necessary information, appropriate indicators and disaggregated data on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including children belonging to the most vulnerable groups.

244. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention. Current efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike should be pursued and developed in the light of article 42 of the Convention.

245. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, the Committee recommends that consideration be given by the State party to facilitating children's participation and the respect for their views in decisions affecting them, especially in the family, at school and in the courts.

246. To appropriately combat persisting negative and discriminatory attitudes, the Committee encourages the State party to carry out a comprehensive and integrated public information campaign aimed at promoting children's rights within the society, and particularly within the family.

247. The Committee also recommends that the State party provide specific training activities on the Convention to professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials.

248. The Committee also encourages the State party to consider extending the mandate of the ombudsperson to enable him or her to receive and process all complaints relating to all types of issues affecting children.

249. The Committee recommends that steps be taken to ensure the birth registration of all children, particularly children living in rural areas.

250. In the light of articles 2, 7 and 8 of the Convention, the Committee strongly recommends that the authorities take all necessary measures to ensure that children born out of wedlock enjoy all their fundamental rights.

251. In the light of article 19 of the Convention, the Committee further recommends that the authorities gather information and initiate a comprehensive study to improve the understanding of the nature and scope of the problem of child neglect and abuse and set up social programmes to prevent them.

252. The Committee recommends that the national law and practices with regard to adoption be made to fully conform with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, including the principle of the best interests of the child.

253. In the field of the administration of juvenile justice, the Committee recommends that legal reform be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to raising the age of criminal responsibility and ensuring that persons between 16 and 18 years of age enjoy all the rights recognized in the Convention.

254. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee suggests that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up.

## 7. Concluding observations: Morocco

255. The Committee considered the initial report of Morocco (CRC/C/28/Add.1) at its 317th to 319th meetings, on 24 and 25 September 1996 (see CRC/C/SR.317-319), and at its 343rd meeting, on 11 October 1996, adopted the following concluding observations.

### (a) Introduction

256. The Committee welcomes the submission of the report, which contains information on the legal framework within which the Convention is implemented and on other measures adopted since the ratification of the Convention by Morocco. The Committee appreciates the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C/Q.Mor.1), as well as the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

### (b) Positive aspects

257. The Committee notes the establishment in 1993 of the Ministry for Human Rights to deal with children's rights issues. The Committee also notes the establishment in 1994 of the National Congress on the Rights of the Child, which has recently been declared a permanent institution, and the creation in 1994 of the post of High Commissioner for Disabled Persons. The Committee recognizes the will of the Government to engage in a process of law reform in relation to children's issues and is encouraged by the drafting of a new Labour Code. The Committee also notes with appreciation the adoption, in 1992, following the World Summit for Children, of the National Plan of Action for the Survival, Protection and Development of Children. Finally, the Committee welcomes the Government's initiative to broadcast a number of special programmes on Children's International Radio and Television Day.

### (c) Factors and difficulties impeding the implementation of the Convention

258. The Committee notes that severe economic and social problems have had a negative impact on the situation of children. The high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary reallocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights. The Committee also notes that there are still traditional practices and customs which impede the full enjoyment of certain rights of the child.

### (d) Principal subjects of concern

259. The Committee is concerned about the fact that the Convention has not yet been duly published in the official gazette.

260. The Committee is also concerned that insufficient measures have been taken to ensure that the principles and provisions of the Convention are widely known to children and adults.

261. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which may affect the implementation of the rights guaranteed in this article and may raise questions about the compatibility of the reservation with the objective and purpose of the Convention.

262. The Committee is concerned at the insufficient coordination between various ministries, as well as between the central and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

263. Insufficient attention has been paid to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, children in rural areas, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working on the street.

264. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially girls, children living in rural areas, children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children and children who are, in order to survive, forced to live and/or work on the street.

265. The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

266. The Committee is also concerned at the lack of conformity with the spirit and principles of the Convention of legislative provisions with respect to the legal definition of the child. The early marriageable age, the minimum age for employment and the age of criminal responsibility are matters of concern.

267. The Committee expresses its deep concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, which hamper the enjoyment of their basic rights. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

268. In the light of article 30, the Committee is concerned at the lack of measures taken to provide school education in all the existing languages and dialects.

269. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

270. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee is, inter alia, concerned that children aged between 16 and 18 years are treated as adults and that children deprived of their liberty are not separated from adults.

### (e) Suggestions and recommendations

271. The Committee urgently recommends that the State party publish the Convention in the official gazette.

272. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in accordance with article 42 of the Convention. The Committee wishes to encourage the State party to develop further a systematic

approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention.

273. The Committee recommends that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials, social workers and judges, and that human rights and children's rights be included in their training curricula. In this respect, the Committee encourages the authorities to pursue their cooperation with the United Nations High Commissioner/Centre for Human Rights.

274. The Committee recommends that the Government of Morocco consider reviewing the reservation entered upon ratification of the Convention with a view to withdrawing it, in the spirit of the Vienna Declaration and Programme of Action,[4] adopted in June 1993, in which the World Conference on Human Rights urged States to withdraw reservations to the Convention on the Rights of the Child.

275. The Committee recommends that the State party take further steps to strengthen coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and to ensure closer cooperation with non-governmental organizations.

276. The Committee also recommends that the State party undertake to gather all necessary data and statistics on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. Efforts should be made to ensure implementation of policies and measures for the promotion and protection of the rights of the child, at both central and local levels, in cooperation with United Nations bodies and specialized agencies, including the United Nations Children's Fund and the International Labour Organization. It is also suggested that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

277. With respect to article 4 of the Convention, and in the light of the current difficult economic situation, the Committee emphasizes the importance of the allocation of resources to the maximum extent possible for the implementation of economic, social and cultural rights of the child at both the central and local levels, in accordance with the principles of the Convention, in particular those relating to non-discrimination and the best interests of the child (arts. 2 and 3).

278. The Committee recommends that appropriate political and legislative measures be taken to bring legislation into conformity with the Convention and other relevant international norms. In particular, the Committee recommends the reform of the penal and labour codes. It strongly encourages the Government of Morocco to ratify International Labour Organization Convention No. 138 on the minimum age for admission to employment and for that purpose to consider seeking further technical cooperation from the International Labour Organization.

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[4] See A/CONF.157/24 (Part I), chap. III.

279. The Committee recommends that awareness campaigns concerning the rights of the girl child be pursued in both rural and urban areas. It also urges the State party to implement a comprehensive national policy to promote and protect those rights. It further recommends that in the light of articles 2 and 3 of the Convention, the marriageable age be raised and made equal for girls and boys.

280. The Committee recommends that special protective measures be implemented in relation to children living in rural areas, children who are victims of abuse, children of single-parent families, children born out of wedlock, abandoned, institutionalized and disabled children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children who, in order to survive, are forced to live and/or work on the street.

281. The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.

282. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of Morocco consider seeking international assistance in this area of the administration of juvenile justice from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Office at Vienna.

283. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by Morocco be made widely available to the public at large and that consideration be given to the publication of the report, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 8. Concluding observations: Nigeria

284. The Committee considered the initial report of Nigeria (CRC/C/8/Add.26) at its 321st to 323rd meetings, on 26 and 27 September 1996 (CRC/C/SR.321-323), and, at its 343rd meeting, on 11 October 1996, adopted the following observations.

### (a) Introduction

285. The Committee expresses its appreciation to the State party for sending a high-level delegation to discuss the report. The Committee notes that the report, although following the thematic structure for reporting set out in the general guidelines, was incomplete in its appreciation of the situation of children throughout the country. The Committee wishes to emphasize that the purpose of reporting is to indicate not only the measures adopted but also the progress made since the entry into force of the Convention and priorities identified for action, as well as the difficulties encountered in guaranteeing the rights provided for in the Convention.

### (b) Positive factors

286. The Committee welcomes the establishment of the National Human Rights Commission. The Committee also takes note of the establishment in 1994 of the National Child Rights Implementation Committee, *inter alia*, to ensure the popularization of the Convention on the Rights of the Child and the Organization of African Unity Charter on the Rights and Welfare of Children; to review continuously the state of implementation of the Convention; to develop specific programmes and projects that will enhance the status of the Nigerian child; to collect and collate data on the implementation of the rights of the child; and to prepare and submit reports on the implementation of children's rights for the United Nations and the Organization of African Unity.

287. The Committee notes that the Government of Nigeria has prepared a national plan of action in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990.

288. The Committee appreciates the importance attached by the State party to improving the status and situation of women and the positive role this can play in contributing to the measures required to address the problems facing children in general and the girl child in particular.

### (c) Factors and difficulties impeding the implementation of the Convention

289. The Committee recognizes that the situation in Nigeria is characterized by particular economic and sociocultural complexities. It notes that Nigeria is the most populated African country and that it is multi-ethnic in composition, with over 250 ethnic groups which have diverse cultures and languages. It is additionally noted that the persistence of certain harmful traditional practices and customs has had a negative bearing on the enjoyment of the rights guaranteed under the Convention.

### (d) Principal subjects of concern

290. The Committee expresses its deep concern that the rights of the child as provided for in the Convention have yet to be invested with effective legal

status in Nigeria as the draft children's decree remains to be finalized and adopted. The Committee, while noting the positive development represented by the drafting and revision of a children's decree, expresses its regret that a copy of the draft decree in its entirety was not made available to the Committee. The lack of such enabling legislation raises serious doubts as to the priority previously given to the rights of the child in Nigeria. The Committee raises these points in the light of the conclusion it reached from examining the State party's report and its dialogue with the delegation that certain legislation currently in force in Nigeria in relation to the rights of the child is not in conformity with various articles of the Convention, including article 1.

291. The Committee is concerned about the compatibility of customary law and laws passed at the regional and local levels and their application with the principles and provisions of the Convention.

292. The Committee notes with concern the apparent absence of adequate mechanisms for the determination of appropriate indicators, as well as for the collection of statistical data and other information on the status of children for use as bases for designing programmes to implement the Convention.

293. With respect to the implementation of various principles and provisions of the Convention, in particular those set out in articles 3 and 4, the Committee is concerned that the impact of economic policy, as at present designed and pursued, may have led the Government to resort, on a more regular basis than it would wish, to temporary ad hoc funding measures to cover significant shortfalls in income for the realization of particular programmatic objectives. The Committee is concerned about the gap between the country's gross national product and the insufficiency of resources being made available for the implementation of the rights of the child, in particular in the areas of primary health care, primary education and other social services, as well as the protection of the most disadvantaged groups of children. Equally, the Committee remains concerned about the effectiveness of measures at present in place to give priority to projects for the implementation of the rights of the child, as well as to reduce any disparities between and within regions as regards the availability of resources for the realization of such projects.

294. The Committee is concerned that considerable progress is still required towards ensuring that all adults and children are aware of the rights of the child as contained in the Convention. Additionally, the Committee is concerned at the lack of training and education about the Convention for individuals working with or for children, such as police officers, chiefs of police, staff in institutions where children are detained, leaders at the community and ward levels and other government officials, as well as judges, lawyers, teachers, health workers and social workers.

295. The Committee is also concerned that the general principles of the Convention, as laid down in its articles 2, 3, 6 and 12, are not being applied and duly integrated into the implementation of all articles of the Convention. Concern is expressed at the status and situation of girl children and the insufficiency of measures to prevent and combat discrimination practised against them. Of equal concern to the Committee is the apparent absence of proactive measures to combat discrimination against disabled children, children belonging to ethnic minorities and children born out of wedlock.

296. In the light of the provisions of article 3 of the Convention, the Committee is of the view that the Government has not yet fully developed a

procedure to ensure that the "best interests of the child" guide the decision-making process. Consideration of the impact of various policy options on the enjoyment of the rights of the child should form an integral part of this process.

297. It is also the view of the Committee that traditional attitudes concerning the role children should play in the family, school, the community and society in general may be frustrating efforts to achieve the fuller participation of children, as envisaged in articles 12 and 13 of the Convention.

298. The Committee is concerned about the persistence of early marriage, child betrothals, discrimination in inheritance, widowhood practices and other harmful traditional practices. These practices are incompatible with the principles and provisions of the Convention. More particularly, the continuation of the practice of female genital mutilation is of deep concern to the Committee; although measures are being taken to address this practice, the Committee is of the view that they are insufficient. The problems of violence against children and the physical abuse of children in the family, in schools, in the community and in society are also of major concern to the Committee.

299. The Committee views the trend of rising child mortality rates as a matter of deep concern. Despite the Government's stated policy of supporting primary health-care programmes over those providing curative health care, the Committee views the access to quality health-care services as unsatisfactory. Equally, the effectiveness of measures taken to avoid regional variations in the provision of health-care services and medical supplies remains a cause of concern to the Committee. The Committee is also concerned about the problems encountered in providing access to safe water.

300. In view of the considerable incidence of poverty in the country and the insufficiency of the minimum wage in meeting basic needs, the Committee views the absence of social support to families, including single-parent families, especially female-headed households, as a matter of serious concern.

301. The State party's recognition of the importance of promoting education for all as a tool to improve the situation of children, especially girl children, is welcomed. However, the Committee remains concerned about the effectiveness of measures being taken to harmonize policy priorities in this area with adequate budgetary allocations.

302. The Committee expresses its regret that insufficient measures are being taken to address the problems of child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography.

303. It is the view of the Committee that current legislation with regard to the administration of juvenile justice and the institutionalization of children does not appear to conform to the principles and provisions of the Convention. In this regard, the provisions of national legislation which permit sentencing to capital punishment are incompatible with the provisions of article 37 (a) of the Convention.

304. The Committee is also concerned that the provisions of national legislation by which a child may be detained "at Her Majesty's pleasure" may permit the indiscriminate sentencing of children for indeterminate periods. Furthermore, the Committee is worried about the provisions of national legislation which provide for the detention of children assessed to be "beyond parental control". The possibility that abandoned children or children living and/or working on the

street would have such measures applied against them is of special concern to the Committee. It is the view of the Committee that these legislative measures do not appear to be compatible with the provisions of article 37 (b) of the Convention, which lays down that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time. Equally, the Committee is concerned that the application in practice of the provisions of section 3 of the Children and Persons Law may lead to the arbitrary detention of children, which is incompatible with the provisions and principles of the Convention.

305. The Committee notes with serious concern the low age of criminal responsibility for children in Nigeria, at present seven years of age, and that children even under the age of seven may be brought before the courts. The Committee is also seriously concerned about the adequacy of safeguards for all children brought before the courts, required under article 40 of the Convention.

306. Moreover, the Committee is seriously concerned about the conditions in places of detention for children, especially with regard to children's access to their parents, the medical services and educational programmes offered and the services in place to facilitate the recovery and rehabilitation of children. It is equally concerned about the inappropriateness and ineffectiveness of measures for the supervision and monitoring of the situation of children in detention, including for dealing with children's complaints of abuse or ill-treatment, and the lack of measures to ensure that these complaints are addressed in a serious and expeditious manner.

307. Furthermore, the Committee is deeply alarmed that the necessary safeguards against the excessive use of force by law enforcement officials or anyone else acting in this capacity are undermined by the provisions of section 73 of the Criminal Code. This may give rise to the violation of children's rights, including their right to life, and leads to impunity for the perpetrators of such violations. Therefore, it is the view of the Committee that the above-mentioned provisions of the Nigerian Criminal Code are incompatible with the principles and provisions of the Convention.

308. The Committee is of the view that insufficient measures have been taken for the implementation of article 32 of the Convention to prevent and combat the economic exploitation of children.

### (e) Suggestions and recommendations

309. The Committee recommends that the Government consider, on an urgent basis, the adoption of the children's decree, drafted in conformity with the principles and provisions of the Convention. The Committee welcomes the willingness of the delegation of the State party to provide the Committee with information regarding progress in relation to the draft children's decree and to submit to the Committee, as soon as possible, a copy of the full text of the draft decree.

310. The Committee also recommends that the State party, in undertaking a comprehensive review of the national legal framework and its conformity with the principles and provisions of the Convention, also take into account the compatibility of the system of customary law and regional and local laws with the articles of the Convention.

311. The Committee strongly recommends that the Government consider the possibility of undertaking a review of the effectiveness of measures being taken to implement the provisions of article 4 of the Convention in respect of the

allocation of resources to the maximum extent possible for the implementation of the economic, social and cultural rights of the child. It is further suggested that such a review be undertaken in the light of the priorities for the implementation of the Convention identified during the discussion of the report of Nigeria.

312. The Committee appreciates the willingness of the State party to undertake further measures to ensure that effective mechanisms are put in place for the implementation and monitoring of the Convention at all levels of government including the ward level, through the mandate given to the Ministry of Women Affairs and Social Development. The Committee notes that the task of cooperating and coordinating with other mechanisms at different levels with regard to the monitoring of the implementation of the rights of the child is a challenging one and expresses the hope that further discussions within government circles and throughout the various levels of government on how best to achieve the priority objectives be undertaken on an urgent basis.

313. The Committee shares the view of the State party that effective education and awareness raising among all children concerning their rights should be undertaken and that an evaluation of the extent of awareness of the rights of the child among children and adults should be carried out. The Committee would like to suggest that such an awareness-raising programme should be extended to all adults and professionals working with or for children.

314. The Committee recommends that priority be given to the development of mechanisms for collecting statistical data and indicators disaggregated by gender, and rural/urban and ethnic origin as the bases for designing programmes for children.

315. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular "the best interests of the child" and the participation of children, not only guide policy discussions and formulation and decision-making, but also are integrated into the development and implementation of all projects and programmes.

316. The Committee wishes to emphasize that the general lack of financial resources cannot be used as a justification for neglecting to establish social security programmes and social safety nets to protect the most vulnerable groups of children. Accordingly, it is the opinion of the Committee that a serious review should be undertaken to determine the consistency of the economic and social policies being developed with the State party's obligations under the Convention, in particular articles 26 and 27, especially with respect to the establishment or improvement of social security programmes and other social protection.

317. The Committee recommends that, as a high priority, further measures be taken to prevent and combat discrimination, especially on the grounds of gender and ethnic origin, and differential access to services between the rural and urban population.

318. While acknowledging the State party's commitment to evaluating the effectiveness of policy implementation for disabled children, the Committee recommends that such policy be reviewed to ensure that it reflects the general principles of the Convention, particularly as regards preventing and combating discrimination against disabled children.

319. The Committee shares the view of the State party that major efforts are required to address harmful practices such as early marriage, betrothals of children, female genital mutilation and abuse of children in the family. The Committee recommends that all legislation be reviewed to ensure its compatibility with the eradication of such violations of children's rights and that campaigns be developed and pursued with the involvement of all sectors of society, with a view to changing attitudes in the country as to the non-acceptance of harmful practices. As far as female genital mutilation is concerned, all action necessary to eradicate this violation of children's rights must be taken on a priority basis. Public awareness and information campaigns must support education and advice on other family matters, including equal parental responsibilities and family planning in order to foster good family practices in line with the principles and provisions of the Convention.

320. The Committee recommends that improvement of access to and the quality of primary health-care services be urgently undertaken. Major efforts to ensure the equal distribution of health services and medical supplies between and within regions are required immediately.

321. The Committee encourages the State party in its efforts to harmonize the informal and formal education systems, particularly with respect to the application of a national curriculum within all schools. Further steps should be taken to develop guidelines for the participation of all children in the life of the school in conformity with the principles and provisions of the Convention. The Committee encourages the Government to implement measures to improve school enrolment and school retention, especially for girls. A system for the regular evaluation of the effectiveness of these and other educational measures must be ensured. Measures must also be taken to ensure that discipline in school is administered in conformity with the provisions of article 28, paragraph 2, of the Convention. In addition, the Committee recommends that, in the light of the provisions of article 29 of the Convention and the United Nations Decade for Human Rights Education, the State party incorporate education on the rights of the child in school curricula, paying special attention to promoting tolerance among all peoples and groups. The State party may wish to consider requesting further international cooperation for the implementation of the measures identified for the application of the provisions of articles 28 and 29 of the Convention.

322. The Committee recommends that national legislation be brought into conformity with the provisions of articles 37, 39 and 40 of the Convention. National legislation must comply with the principle that capital punishment cannot be applied to children under the age of 18. The Committee also recommends that article 73 of the Criminal Code be abrogated and section 3 of the Children and Young Persons Law be reviewed as to its conformity with the Convention. The Committee welcomes the information provided by the State party that the new draft children's decree will set the age limit for criminal responsibility at 18. However, in view of the clarification provided regarding the system to be set in place, the Committee wishes to emphasize that the legal safeguards provided for in the relevant principles and provisions of the Convention, including those of article 40, must be provided to all children, whether the deprivation of their liberty results from the application of a welfare or a criminal procedure.

323. It is also the view of the Committee that the best interests of the child should prevail in proceedings concerning child victims of parental abuse, especially in deciding whether parents have the right to represent their child in such cases. Finally, the Committee wishes to emphasize that the Convention

requires that detention be a measure of last resort and for the shortest appropriate period of time. The institutionalization and detention of children must be avoided as much as possible and alternatives to such practices must be developed and implemented. The Committee recommends that measures be taken to establish an independent system for monitoring the situation of children in detention, whether in prisons or welfare institutions.

324. In view of the various concerns raised by the Committee with respect to the implementation of article 32 of the Convention, it wishes to highlight the importance of the State party ensuring that all children have access to health care, that education be made compulsory as a measure to prevent the economic exploitation of children and that further measures be taken to combat exploitation, such as that of child domestic workers, including legislative measures, to ensure the effective protection of the child against the performance of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or full and harmonious development.

325. In the light of articles 34 and 35 of the Convention, the Committee encourages the State party in its efforts to follow up at both the national and regional levels on the measures required to prevent and combat the sexual exploitation of children.

326. The Committee recommends that further measures be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the child victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

327. The Committee recommends that the State party make widely available to the public its report, the records of the discussion of that report in the Committee and the concluding observations adopted by the Committee.

## 9. Concluding observations: Uruguay

328. The Committee considered the initial report of Uruguay (CRC/C/3/Add.37) at its 325th to 327th meetings, on 30 September and 1 October 1996 (CRC/C/SR.325-327), and, at its 343rd meeting, on 11 October 1996, adopted the following concluding observations.

### (a) Introduction

329. The Committee expresses its appreciation to the State party for the written answers to the list of questions and for engaging, through a delegation involved in the policies concerning children's rights, in an open dialogue on the implementation of the Convention. The Committee notes, however, that the report was not prepared in accordance with the Committee's guidelines for the preparation of initial reports and that it mainly reflects the existing legal framework and does not contain sufficient information on other measures taken to implement effectively the rights set forth in the Convention.

### (b) Positive factors

330. The Committee notes with satisfaction the declaration made by the State party with regard to article 38 of the Convention to the effect that, under Uruguayan law, children under 18 years of age cannot take part in hostilities in the event of an armed conflict.

331. The Committee notes with appreciation the strengthening of democratic institutions in Uruguay, including safeguards such as habeas corpus and *amparo* (remedy procedure available to citizens in case of violations of their rights), in the process of the democratization of the country.

332. The Committee notes with satisfaction that important measures taken in the social area have resulted in good indicators in the areas of health and education.

### (c) Principal subjects of concern

333. The Committee is concerned at the insufficient measures adopted to harmonize national legislation with the principles and provisions of the Convention, in spite of the fact that international treaties ratified by Uruguay are considered to have a status equal to that of ordinary laws. The Committee is also concerned that new laws have not been enacted to address areas covered by the Convention, including laws on intercountry adoption, the prohibition of child-trafficking and the prohibition of torture. The Committee is also concerned that the Children's Code adopted in 1934, which contains a number of provisions contrary to the Convention, has not yet been revised or amended. It also regrets that a number of legal provisions contrary to the Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage.

334. The Committee, while recognizing the efforts undertaken by the authorities in the collection of data, is concerned at the insufficient measures adopted to collect disaggregated data on the situation of all children, particularly those belonging to the most disadvantaged groups, including black children, disabled children, street children, children placed in institutions, including institutions of a penal nature, ill-treated and abused children or children from economically disadvantaged groups, which constitutes a major obstacle to the effective and full implementation of the provisions of the Convention.

335. The Committee is also concerned at the insufficient measures adopted to ensure effective coordination between different governmental departments competent in the areas covered by the Convention, as well as between central and local authorities.

336. The Committee expresses its concern at the insufficient budget allocation for social expenditures, in particular in favour of children belonging to the most disadvantaged groups of the population. The Committee also notes with concern the trend towards the perpetuation of poverty among marginalized groups of children, with almost 40 per cent of children under five years of age living in 20 per cent of the poorest households and 4 per cent of children in this age group suffering from severe malnutrition, while social and economic discrepancies persist as regards access to education and health services.

337. The Committee is concerned at the insufficient measures taken to reflect in legislation and practice the general principles of the Convention, namely non-discrimination, the best interests of the child and respect for his or her views.

338. In this regard, the Committee is particularly concerned at the persisting discrimination against children born out of wedlock, including in regard to the enjoyment of their civil rights. It notes that the procedure for the determination of their name paves the way for their stigmatization and the

impossibility of having access to their origins, and that when born to a mother or father who is a minor, these children cannot be recognized by that parent.

339. The Committee is concerned about the high rate of early pregnancy, which has negative effects on the health of the mothers and the babies, and on the mothers' enjoyment of their right to education, hampering the school attendance of the girls concerned and causing high numbers of school drop-outs.

340. The Committee is deeply concerned about the increasing incidence of abuse and violence within the family and the inadequacy of measures to prevent and combat such abuse and violence and to rehabilitate the child victims.

341. The Committee expresses its concern at the prevalence in the country of the doctrine of "children in an irregular situation" which paves the way for the stigmatization and frequent institutionalization and deprivation of liberty of children on the basis of their economic and socially disadvantaged situation. The Committee regrets that the implementation of the provisions and principles of the Convention relating to the administration of juvenile justice has been given insufficient attention, both in legislation and in practice. In this regard, the Committee is concerned at the insufficient measures adopted to ensure, inter alia, that deprivation of liberty is only used as a measure of last resort, that children deprived of liberty are treated with humanity and in a manner which takes into account the needs of persons of their age, as well as that the rights to maintain contact with their families and to due process of law are ensured in conformity with article 40 of the Convention. Moreover, the Committee is concerned at the high number of institutionalized children and that insufficient measures have been taken to ensure effective alternatives to institutional care and to promote their social reintegration.

342. The Committee notes with concern that child labour remains a problem in Uruguay and that measures taken to prevent it are insufficient. The Committee also notes with concern that the minimum age for employment in Uruguayan law is lower than the minimum age provided for in applicable international conventions, although Uruguay has ratified International Labour Organization Convention No. 138.

343. The Committee notes with concern the insufficient measures taken to ensure that the provisions and principles of the Convention are made widely known to adults and children alike, in accordance with article 42 of the Convention. Moreover, insufficient attention has been paid to the training of professionals working with and for children, including teachers, health workers, social workers, lawyers, police officers, chiefs of police, staff in institutions where children are detained and officials of the central and local administrations, in order to change prevailing attitudes.

### (d) Suggestions and recommendations

344. The Committee recommends that, in the context of the legal reform being undertaken by Uruguay in the field of children's rights, national legislation be made fully compatible with the provisions and principles of the Convention, including non-discrimination, the best interests of the child, the child's participation and respect for his or her views. Such reform should address in particular the concerns raised by the Committee during its discussion with the State party, particularly in the areas where the national legislation is not in conformity with the Convention.

345. The Committee also recommends that further measures be taken to gather systematic quantitative and qualitative data, disaggregated, inter alia, by age, gender, colour, rural/urban and social origin, on all areas covered by the Convention and in relation to all groups of children, particularly the most disadvantaged groups. In this regard, it suggests that further cooperation be ensured with the United Nations Children's Fund with a view to assessing and evaluating progress achieved, identifying difficulties and setting priorities for future action.

346. The Committee suggests that steps be taken to ensure effective coordination between the existing institutions involved in the protection and promotion of children's rights at the central and local levels, and that the establishment of an independent monitoring body (ombudsman) competent in children's rights be given further consideration by the Government.

347. The Committee recommends that the State party, in the light of articles 2, 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of its available resources to ensure that sufficient budgetary allocation is provided to services for children, particularly in the areas of education and health, and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee suggests that the "child-impact" of such decisions be assessed on an ongoing basis.

348. The Committee suggests that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, with a view, inter alia, to preventing domestic violence and abuse, abandonment and institutionalization of children, and to promoting research in these areas.

349. With regard to the high rate of early pregnancy prevailing in Uruguay, the Committee recommends that measures be adopted to provide appropriate family education and services for young people within the school and health programmes implemented in the country.

350. The Committee also suggests that appropriate alternatives to institutional care be developed, with the best interests of the child as the primary consideration, as well as the promotion of his or her harmonious development and preparation for responsible participation in society. In cases where the placement of children in institutions is necessary, measures should be adopted to ensure periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

351. The Committee recommends that a system of administration of juvenile justice be established in the framework of the principles and provisions of the Convention, in particular articles 37, 39 and 40, as well as other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In this connection, the Committee recommends that the State party consider seeking international assistance in this area from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

352. The Committee recommends that legislative and preventive measures be taken to address the issue of child labour and, in particular, to raise the minimum

age for access to employment, in conformity with the Convention and with International Labour Organization Convention No. 138, as well as to create awareness of the importance of education and vocational training to provide the child with needed skills and knowledge. The Committee suggests that the Government of Uruguay consider requesting further technical assistance from the International Labour Organization in these matters.

353. In the light of article 42 of the Convention, the Committee recommends that training programmes on the rights of the child be conducted for professionals working for or with children, including teachers, health workers, social workers, lawyers, police officers, chiefs of police, staff in institutions where children are detained and officials of the central and local administrations. Measures should also be adopted to incorporate children's rights in school curricula at all levels. The Committee believes that information campaigns on children's rights will contribute to ensuring visibility to children within Uruguayan society and to changing negative attitudes towards children. Such campaigns should aim at eradicating discriminatory attitudes towards children, especially those belonging to vulnerable and marginalized groups, and enhancing respect for their fundamental rights. In this regard, the Committee underlines the importance of the general principles of the Convention, namely, the best interests of the child, the child's participation and respect of his or her views, respect of the principle of non-discrimination and the right to life, survival and development to the maximum extent, which should guide and inspire all training and information programmes in this area.

354. The Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the State party widely publicize its report, the summary records of the discussion and the concluding observations adopted by the Committee and that it give consideration to the organization of a parliamentary debate on the implementation of the Convention.

## 10. Concluding observations: United Kingdom of Great Britain and Northern Ireland: dependent territories (Hong Kong)

355. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland: dependent territories (Hong Kong) (CRC/C/11/Add.9) at its 329th to 331st meetings, on 2 and 3 October 1996 (see CRC/C/SR.329-331), and, at its 343rd meeting, on 11 October 1996, adopted the following observations.

### (a) Introduction

356. The Committee expresses its appreciation to the State party for the timely submission of both its report and written responses to the Committee's list of issues. The Committee welcomes the information provided by the delegation in its introductory statement and for the cooperative spirit which characterized the dialogue in the Committee.

357. The Committee notes the special situation facing Hong Kong as a territory over which there will be a change of sovereignty when it reverts to China on 1 July 1997. The Committee also notes that matters relating to the continued application of the Convention to Hong Kong, including reporting arrangements, are the subject of discussion between the Governments of the United Kingdom and China through the Joint Liaison Group.

### (b) Positive aspects

358. Note is taken of the enactment of the Parent and Child Ordinance in 1993 which removes legal disadvantages that previously applied to illegitimate children. The Committee also welcomes the adoption of the Disability Discrimination Ordinance aimed at promoting the integration of persons with a disability into the community.

359. The Committee welcomes the various measures being taken by the Government to address the danger of guardians leaving children unattended at home.

360. Information provided on the operation by the Social Welfare Department of a telephone hotline to receive, *inter alia*, reports on child abuse cases is noted with appreciation. The Committee also takes note of the measures taken to promote awareness of common adolescent health problems and the telephone hotline service of the Central Health Education Unit of the Department of Health, which has been set up to deal with calls relating to this issue. The recruitment of secondary school students as health ambassadors in training programmes on common adolescent health matters is also noted with great interest. Equally, the launching of the new Student Health Service, a programme designed to cater for the health needs of schoolchildren aged between 6 and 18, is warmly welcomed, as is the establishment of the Health Care and Promotion Fund, which is designed to step up efforts for health promotion and disease prevention.

361. The Committee notes with appreciation the initiatives taken to make hospitals more baby and child friendly, including the measures being taken to improve paediatric ward facilities in hospitals and also to provide play areas for children in paediatric wards and areas for parents to stay with their children in hospital. The Committee also welcomes the improvements to the Comprehensive Social Security Assistance Scheme, particularly with respect to benefits available in implementation of articles 26 and 27 of the Convention.

362. The Committee welcomes the information presented by the delegation concerning the five research projects on children's rights currently being undertaken by universities and funded by the Government.

363. The Committee encourages the establishment of an independent body to consider complaints against the police in Hong Kong.

### (c) Principal subjects of concern

364. With the extension of the Convention to Hong Kong in September 1994 further reservations to the Convention applicable to the territory of Hong Kong were deposited by the Government of the United Kingdom. It is a matter of regret to the Committee that the State party has not yet decided to withdraw its reservations, particularly as they relate to the issues of working hours for children, of juvenile justice and of refugees.

365. The Committee welcomes the adoption of the Bill of Human Rights Ordinance; it notes, however, that this Bill is unentrenched. The Committee, while acknowledging that the Bill contains provisions recognizing the two major human rights covenants, the articles of which also apply to children, considers it regrettable that the Bill contains no specific reference to the Convention on the Rights of the Child. In the light of this, and given the positive steps taken by the Government to adopt the Equal Opportunities Act and establish the Equal Opportunities Commission, it is also a matter of regret to the Committee that a similar strategy as pursued for gender equality has not been adopted for

the rights of the child. In view of the Government's commitment to review legislation and policy regularly in the light of the principles and provisions of the Convention, the Committee is concerned that sufficient priority does not appear to have been given in the reviewing process to the possibility of establishing an independent monitoring body on the rights of the child and of pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.

366. While noting the positive steps taken to establish various mechanisms for the execution of policy and programmes for the implementation of the provisions of the Convention, the Committee remains concerned about the adequacy of coordination activities between concerned governmental institutions to ensure that the rights of the child are given priority.

367. The Committee is concerned that insufficient measures have been taken to ensure the fullest implementation of the general principles of the Convention, in particular those contained in articles 3 and 12, especially in the choice, formulation and application of policy measures to promote and protect the rights of the child. In this regard it is noted that a system for integrating a child impact analysis into policy formulation and decision-making has not yet been put into place. It is also the view of the Committee that the persistence of certain attitudes relating to perception of the role children should play in the family, school and society may be delaying the full acceptance of the implementation of the provisions of articles 12 and 13 of the Convention in Hong Kong.

368. As regards the situation of illegal immigrant children from China and the issues it raises with respect to the question of families split between Hong Kong and China the Committee is concerned that the increase in permits arranged for these children and their families, from 105 to 150, is manifestly insufficient to meet the needs of the estimated 60,000 children currently in China who may have the right of abode in Hong Kong after 1 July 1997.

369. Despite the measures taken to address the problems of child abuse, neglect and the number of accidents affecting children, these issues continue to give cause for concern. Equally, adolescent mental health issues, including the problem of youth suicide, is a matter of serious concern to the Committee.

370. The Committee is concerned about the apparent insufficiency of measures to encourage breastfeeding. The Committee notes that powdered milk for babies continues to be freely distributed in hospitals, contrary to international guidelines on this matter. Equally, the extent to which the statutory provisions relating to, inter alia, maternity leave and conditions of employment for nursing mothers are compatible with the principles and provisions of the Convention remains a matter of concern to the Committee.

371. The Committee is of the view that insufficient attention appears to have been given to the implementation of article 29 of the Convention, particularly in respect of according human rights education the necessary status within school curricula.

372. The broad question of the treatment of Vietnamese children in detention centres in Hong Kong deeply concerns the Committee. It is the observation of the Committee that these children have been and continue to be the victim of a policy designed to discourage further refugees from coming into the area. While it is granted that the situation is a complex one, the policy of the continued detention of these children is incompatible with the Convention.

373. In addition, the Committee is of the view that the low age of criminal responsibility is not in conformity with the principles and provisions of the Convention and regrets the decision not to raise the age of criminal responsibility.

(d) Suggestions and recommendations

374. The implementation of the principles and provisions of the Convention requires that priority be given to children's issues, particularly in the light of the principle of the "best interests of the child" and of the fact that Governments have, in international forums, agreed to the principle of "First call for children", including in the final document adopted by the World Conference on Human Rights. It is recommended, therefore, that in the formulation of policy options and proposals there should be an accompanying assessment of its impact on children so that decision makers can be better advised when formulating policy as to its effect on the rights of the child. It is also suggested that steps be taken to reflect and duly take into account in national legislation the holistic and comprehensive approach to the implementation of the rights of the child recommended by the Committee. The Committee recommends the establishment of an independent mechanism specifically to monitor the implementation of government policy in relation to the rights of the child. It is noted that an independent mechanism could also play an important role in informing the public and legislature of the action being taken for the rights of the child. The Committee also recommends that children's rights be fully integrated into the discussions on issues concerning the transfer of sovereignty over Hong Kong and be accorded high priority in the dialogue on these and related matters in the Joint Liaison Group.

375. The Committee encourages efforts to involve civil society and non-governmental organizations more closely in the monitoring and implementation of the Convention, including with respect to the development of a comprehensive strategy for children in Hong Kong.

376. As part of the ongoing efforts to promote and protect the rights of the child, particularly in relation to the implementation of article 4 of the Convention, the Committee recommends that a further assessment be undertaken of the effectiveness of the present system of institutional coordination of policies and programmes on the rights of the child, especially with regard to child abuse. Moreover, the Committee would like to suggest that the collection and analysis of statistical data by age group be guided by the provisions of article 1 of the Convention. The Committee further suggests that consideration be given to undertaking or encouraging research on the development and use of indicators to monitor the progress of the implementation of all the principles and provisions of the Convention.

377. In connection with the ongoing efforts to raise awareness of human rights and children's rights among the population of Hong Kong, the Committee suggests that consideration be given to taking further measures to inform the general public about the Convention on the Rights of the Child and to incorporate education about human rights and children's rights in training programmes for professionals. The Committee encourages the incorporation of questions on the awareness and understanding of the public of the Convention and its principles and provisions in future civic awareness surveys.

378. The Committee would like to suggest that further consideration be given to evaluating the effectiveness of measures to raise awareness for the prevention and combating of discrimination and promoting of tolerance, particularly with

respect to discrimination on the grounds of gender, ethnic origin, and discrimination against disabled children and children born out of wedlock.

379. With respect to the implementation of article 12 of the Convention, the Committee encourages the undertaking of a study, from the perspective of children as bearers of rights, on the subject of children's participation in the family, school and society, with a view to the formulation of recommendations on this matter.

380. The Committee recommends that further measures be taken to address the issue of illegal immigrant children from China, especially with respect to the difficulties arising from families split between Hong Kong and China. It is the Committee's view that, in the light of the best interests of the child, action should be taken on an urgent basis to reduce the waiting period for family reunification, to raise the quota of permits and to consider other measures to deal with the problems that will arise in the future.

381. The Committee wishes to acknowledge once again the important efforts undertaken to deal with the question of child abuse. Notwithstanding this, the Committee is of the view that the prevention of this violation of children's rights requires further attitudinal changes in society, not only as regards the non-acceptance of corporal punishment and physical and psychological abuse, but also a greater respect for the inherent dignity of the child.

382. Despite the recent increase in the number of social workers employed for child abuse cases, it is the view of the Committee that the caseload of each professional may still be too high and the question of taking additional action to address such matters deserves further study. The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day-care centres in the community, including as a measure to prevent children being left unattended at home. In addition, the Committee encourages the initiative taken to ensure within future reviews of the Family Life Education Programme an assessment of its effectiveness in preventing child abuse.

383. With respect to improving the situation of disabled children, the Committee encourages the efforts being undertaken to integrate disabled children into regular schools, including through investment in structural changes to schools and support to the training of teachers to assist them in adjusting and adapting their teaching methods to the needs of disabled children.

384. The Committee recommends that a review be undertaken of the effectiveness of measures in place to support the policy of promoting and encouraging breastfeeding. It is recommended that the question of the free distribution of powdered milk for babies in hospitals, as well as the compatibility of conditions of employment with the obligation laid down in the Convention to encourage breastfeeding, should form an integral part of such a review.

385. The Committee suggests that a review be undertaken of the possible links between school pressures and adolescent health problems in view of the concerns raised on these issues during its discussion of the report. The Committee also suggests that the reasons for suicide among youth and the effectiveness of programmes for the prevention of suicide among children deserve further study.

386. The Committee recommends the incorporation of human rights education, including education about the Convention on the Rights of the Child, as a core curriculum subject in all schools. The Committee notes that this would require

that sufficient time be allocated to this subject in the school timetable. The Committee also wishes to suggest that an evaluation of human rights awareness raising and education be undertaken in the future to determine its effectiveness in equipping children with tools for life and in encouraging their decision-making and ability to think analytically from the perspective of human rights. The Committee also wishes to recommend that greater priority be accorded to the participation of children in school life, in the spirit of article 12 of the Convention, including in discussions about disciplinary measures and curricula development. Ways and means of ensuring the fuller implementation of article 31 of the Convention also appear to deserve further study.

387. With regard to the situation of Vietnamese children in detention, the Committee recommends that an evaluation of present and previous policy on this matter be undertaken, to ensure that any errors made are not repeated in the future. The Committee recommends that for the remaining children in detention a solution to their situation must be found in the light of the principles and provisions of the Convention. It is the view of the Committee, therefore, that measures must be taken immediately to ensure a marked improvement in their conditions of detention and that other measures to protect these children in the future must be put in place.

388. The Committee recommends that a review of legislation in relation to the issue of the age of criminal responsibility be undertaken with a view to raising this age in the light of the principles and provisions of the Convention.

389. The Committee recommends wide public distribution and dissemination of the State party report, the summary records of the discussion in the Committee and the present concluding observations.

390. The Committee recommends that the Government prepare a progress report on the measures taken to give effect to the suggestions and recommendations contained in the present concluding observations by the end of May 1997.

## 11. Concluding observations: Mauritius

391. The Committee considered the initial report of Mauritius (CRC/C/3/Add.36) at its 332nd to 334th meetings, on 3 and 4 October 1996 (CRC/C/SR.332-334), and, at its 343rd meeting, on 11 October 1996, adopted the following concluding observations.

### (a) Introduction

392. The Committee expresses its appreciation of the report submitted by the Government of Mauritius, as well as of the extensive additional information provided in its written responses to the list of issues (CRC/C.12/WP.6). The Committee is encouraged by the frank tone of the discussion, in which the high-level delegation of the State party recognized the need for improvement in certain areas concerning children.

### (b) Positive aspects

393. The Committee welcomes the oral and written commitment of the Government of Mauritius to withdrawing its reservation to article 22 of the Convention.

394. The Committee takes note of the establishment in 1990, by Act of Parliament, of the National Children's Council, set up under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare, and welcomes the recent establishment of an interministerial committee on child prostitution.

395. The Committee notes with satisfaction the efforts made by the Government of Mauritius in the field of law reform and especially the adoption, in pursuance of the implementation of the Convention, of the Child Protection Act in November 1994.

396. The Committee welcomes the ratification by the State party of International Labour Organization Convention No. 138 on the minimum age for admission to employment (1973).

397. The Committee welcomes the willingness expressed by the delegation to establish an ombudsperson for the rights of the child or another equivalent independent mechanism.

398. The Committee also notes with appreciation that the Government of Mauritius has prepared and implemented the National Programme of Action for the Survival, Development and Protection of Children in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990.

### (c) Factors and difficulties impeding the implementation of the Convention

399. The Committee is aware of the geographical particularities of Mauritius. The Committee also notes that the population of the State party is mainly composed of immigrants from various continents, with different ethnic origins and cultural backgrounds.

### (d) Principal subjects of concern

400. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention.

401. The Committee is concerned at the insufficient attention paid, at both the national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or child labour or the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working on the street.

402. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, children living in poverty and children who, in order to survive, are

living and/or working on the street. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

403. The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

404. The Committee is concerned about the insufficient measures taken to make the principles and provisions of the Convention widely known to adults and children alike, in conformity with article 42.

405. The Committee is concerned that the education system might not be consistent with the provisions of the Convention regarding the right to education. In this regard, the Committee is deeply concerned at the high school drop-out rates, especially at the end of the primary education level, and at the high rate of illiteracy. It is also worried about the absence of supervision of private schools. The Committee is concerned, in addition, at the difficulties encountered by disabled children in gaining access to regular primary schools.

406. The Committee is concerned that the provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are inconsistent with the principles and provisions of the Convention.

407. Although the employment of children is governed by the 1975 Labour Act which prohibits the employment of children under the age of 15, the Committee notes with deep concern that the 1990 census confirms the existence of working children, in particular on the island of Rodrigues where child labour is common.

408. The Committee is concerned at the reported increase in child abuse, including infanticide, domestic violence and child prostitution, and the lack of adequate measures for the psycho-social recovery of child victims of such abuse.

409. While noting with appreciation the establishment of the National Adoption Council, the Committee is concerned about the insufficient safeguards to protect fully the rights of children in the process of international adoption.

410. The situation in relation to the administration of juvenile justice and, in particular, its lack of compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern to the Committee.

### (e) Suggestions and recommendations

411. In the spirit of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, in which States were urged to withdraw reservations to the Convention on the Rights of the Child, the Committee wishes to encourage the State party to take steps to withdraw its reservation to article 22 of the Convention.

412. The Committee recommends that legislative measures be undertaken to ensure that national legislation conforms with the provisions of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

413. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.

414. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators, with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights for all groups. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who are forced to live and/or work on the street in order to survive. It is further suggested that the State party request international cooperation in this regard.

415. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

416. The Committee encourages the Government of Mauritius to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both the central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

417. The Committee recommends that the State party launch a permanent information campaign, for both children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention in school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party develop a comprehensive training programme for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigration officers. Police officers must be specially trained to deal with child abuse and neglect.

418. The Committee encourages the State party to undertake a comprehensive study on the impact of malnutrition on child development in connection with school drop-out and child labour, and to take all appropriate measures to address this problem. International cooperation could be requested to achieve this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund. It is also recommended that the State party encourage and support the establishment of day-care centres at workplaces, to enable children of working mothers to benefit from a healthy development.

419. The Committee recommends that a global study on the quality of the education system be made. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out and to prevent child labour. Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups. It is also suggested that sexual education be included in school curricula. It recommends that comprehensive

studies be initiated on these important issues to provide better understanding of these phenomena and facilitate the elaboration of policies and programmes to combat them effectively.

420. The Committee also recommends that, in order fully to protect the rights of the child in adoption procedures, the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

421. In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism. The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

422. The Committee recommends that the State party envisage undertaking a comprehensive reform of the Juvenile Offender Act in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period, to protecting the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee also recommends that the penal law be amended so that adults having sexual intercourse with boys under 16 would be considered as a criminal act. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

423. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Mauritius be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 12. Concluding observations: Slovenia

424. The Committee considered the initial report of Slovenia (CRC/C/8/Add.25) at its 337th and 338th meetings, on 9 October 1996 (CRC/C/SR.337-338), and, at its 343rd meeting, on 11 October 1996, adopted the following concluding observations.

### (a) Introduction

425. The Committee expresses its appreciation to the Government of Slovenia for engaging, through a multidisciplinary delegation, in an open, constructive and fruitful dialogue. It also welcomes the submission of its initial report, as well as the very detailed additional information provided to the Committee in written form. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions but also the difficulties encountered in the implementation of the Convention.

### (b) Positive aspects

426. The Committee notes with appreciation the steps taken by the Government to promote democracy and human rights in society, including through constitutional provisions. In this regard, it welcomes the introduction in the 1991 Constitution of a specific chapter on human rights and basic freedoms, within which the rights of the child are also defined. The Committee is also encouraged by the recent adoption, in the light of the Convention, of new legislation concerning education, health and social security. It also takes note of the recent publication of the White Paper on Education (1996).

427. The Committee welcomes the recent establishment of the Commission on Child Abuse. It is also encouraged by the establishment of the Human Rights Ombudsman whose task is to safeguard human rights, including children's rights.

428. The Committee welcomes the adoption in 1995 of the National Plan of Action for the Survival, Protection and Development of Children. It also notes that the Convention has been translated into the Slovenian language and that the State party is making efforts to disseminate materials to promote this treaty.

429. The Committee welcomes the willingness of the Government to collaborate with non-governmental organizations. It is encouraged by the openness of the State party's authorities to involving non-governmental organizations in the process of reporting to the Committee.

430. The Committee is encouraged by the initiatives taken by the State party to promote children's rights through the organization of events, the publication of materials and the production of television programmes. In this regard, the Committee welcomes, inter alia, the establishment of a national children's parliament, which has already had six sessions, and the existence of "youth councils and child mayors" meetings.

### (c) Factors and difficulties impeding the implementation of the Convention

431. The Committee recognizes the difficulties faced by the State party in the present period of political transition. It also notes that the State party's transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children, in the form of increased unemployment and criminality.

432. The Committee also notes the problems experienced as a consequence of war in the region. Although Slovenia was only involved in direct combat for a short time, since 1991 the State party has hosted a large number of refugees, including children.

(d) Principal subjects of concern

433. The Committee is of the view that the reservation made by the State party to article 9, paragraph 1, raises questions about its compatibility with the principles and provisions of the Convention, including the principle of the best interests of the child.

434. While welcoming the existence of government bodies, and the creation of new ones, that are competent to deal with the welfare of children at the national and local levels, the Committee expresses its concern that effective coordination must be established among them in order to develop a comprehensive approach to the implementation of the Convention.

435. The Committee is concerned at the lack of an integrated and systematic monitoring mechanism for all areas covered by the Convention, and in relation to all groups of children, especially those affected by the consequences of the economic transition. The Committee also encourages the State party to strengthen its existing data and statistical capacity to evaluate progress achieved and to assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

436. With regard to article 2 of the Convention, the Committee notes with concern that the principle of non-discrimination is not fully implemented for disabled children.

437. The Committee is concerned that the transition to a market economy may threaten the full enjoyment by children of their rights as recognized by the Convention. It is also worried about the insufficient level of support given to single-parent families.

438. The Committee is concerned that children dropping out of school during the compulsory stage of education have insufficient alternative educational programmes, such as vocational training.

439. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat effectively ill-treatment of children within the family and that insufficient information exists on this matter.

440. The Committee is concerned that society is not sufficiently sensitive to the needs and situation of particularly vulnerable children, such as Roma children.

441. The Committee is concerned that in some specific cases the rights of children may not be fully taken into account in intercountry adoption procedures.

442. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee is particularly worried about the low age set for criminal responsibility, and the length of preliminary investigation and of pre-trial detention.

(e) Suggestions and recommendations

443. The Committee takes note of the statement made by the delegation that the reservation on article 9, paragraph 1, made by Slovenia upon ratification of the Convention may be reviewed, with a view to its eventual withdrawal. It wishes to encourage the State party to consider withdrawing this reservation to the Convention, and would like to be kept informed of developments on this matter.

444. The Committee recommends that the State party strengthen mechanisms to enhance the coordination of governmental policies, as well as those of central and local authorities, in the field of children's rights, with a view to eliminating possible disparities or discrimination in the implementation of the Convention and ensuring that the Convention is fully respected in all parts of Slovenia.

445. The Committee encourages the State party to pursue and further develop its policy aimed at disseminating information and at increasing awareness of the Convention. It also urges the authorities to integrate the Convention and children's rights into the training curricula of professional groups dealing with children, such as teachers, law enforcement and correctional officials, judges, social workers and health personnel, and into the school and university curricula.

446. The Committee recommends that the State party take all appropriate measures to reduce school drop-out rates by, inter alia, promoting vocational training and alternative educational programmes.

447. In the difficult period of transition to a market economy, the Committee encourages the State party to take all appropriate measures to maintain and strengthen the full enjoyment of the rights of children, particularly with a view to ensuring the allocation of available resources to their maximum extent for the implementation of the economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child.

448. In the light of article 19 of the Convention, the Committee further recommends that the Government take all appropriate measures, including legislative ones, to combat ill-treatment within the family and sexual abuse of children. It suggests that the authorities gather information and initiate a comprehensive study to improve understanding of the nature and scope of the problem and set up social programmes to prevent all types of child abuse.

449. In relation to intercountry adoption, the State party is encouraged to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

450. In the field of juvenile justice, the Committee recommends that the State party raise the minimum age of criminal responsibility and take all appropriate measures to reduce the length of preliminary investigation and of pre-trial detention.

451. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Slovenia be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government,

Parliament and the general public, including concerned non-governmental organizations.

## 13. Concluding observations: Bulgaria

452. The Committee considered the initial report of Bulgaria (CRC/C/8/Add.29) at its 345th to 347th meetings, on 7 and 8 January 1997 (CRC/C/SR.345-347), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

### (a) Introduction

453. The Committee expresses its appreciation to the Government of Bulgaria for engaging, through its delegation, in an open, constructive and fruitful dialogue. It also welcomes the submission of detailed additional information provided to the Committee in a written form. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions but also the difficulties encountered in implementing the Convention in practice.

### (b) Positive aspects

454. The Committee notes with appreciation the important efforts undertaken by the Government in the field of law reform, including the adoption of a new Constitution (1991), the Social Welfare Act (1991), the National Education Act (1992), the Law on Care Centres for Homeless Children (1995), and the amendments to the Penal Code (1995) and to the recent Law for Combating and Preventing Juvenile Justice Delinquency (1996).

455. The Committee welcomes the fact that according to the Constitution international instruments ratified by Bulgaria are part of the country's domestic law and enjoy superiority over norms of domestic law that contradict them.

456. The Committee welcomes the establishment in 1995 of the Youth and Children Committee.

### (c) Factors and difficulties impeding the implementation of the Convention

457. The Committee recognizes the difficulties faced by the State party in the present period of transition to a market-oriented economy which has had a serious impact on the population, in particular on all vulnerable groups, including children, and has led to increased rates of unemployment and poverty.

### (d) Principal subjects of concern

458. The Committee is concerned that national laws and regulations are not fully consistent with the principles and provisions of the Convention. The Committee is also concerned that a law on the protection of the child has not yet been finalized and adopted.

459. While welcoming the existence of government bodies competent to deal with the welfare of children at the national and local levels, the Committee expresses its concern that there is insufficient coordination among them to develop a comprehensive approach to the implementation of the Convention.

460. The Committee is concerned at the lack of an integrated strategy on children, as well as of a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of the economic transition. The Committee is also concerned about the need to strengthen the State party's capacity to collect and process data to evaluate progress achieved and to assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

461. While encouraged by the existence of national debate, the Committee is worried at the lack of an independent body to monitor observance of human rights, particularly the rights of the child.

462. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken and the insufficient capacity of existing bodies, including the Youth and Children Committee, to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient policies, measures and programmes for the protection of the rights of the most vulnerable children, especially children living in poverty, children born out of wedlock, abandoned children, disabled children, children who are victims of abuse, children belonging to minority groups, especially Roma, and children who, in order to survive, are living and/or working on the street.

463. The Committee is concerned that the general principles of the Convention, as laid down in articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully applied and duly integrated into the implementation of all articles of the Convention. Particular concern is expressed at the insufficiency of measures to prevent and combat discrimination practised against Roma children, disabled children and children born out of wedlock. Of equal concern to the Committee is the insufficient consideration of the principle of the best interests of the child in tackling situations of detention, institutionalization and abandonment of children, as well as in relation to the right of the child to testify in court.

464. Although aware of the initiatives already undertaken by the authorities, the Committee remains worried about the insufficiency of measures taken to inform and educate all parts of society, adults and children alike, on the provisions and principles of the Convention. Insufficient training provided to professional groups, such as lawyers, judges, law enforcement personnel, teachers, social workers and civil servants, on the Convention is also a matter of concern.

465. The Committee is also concerned at the reported ill-treatment of children in the family and in institutions and the lack of adequate measures for the psycho-social recovery from such abuses. Cases of ill-treatment of children by law enforcement personnel in or outside detention centres are also a grave matter of concern, even if they are isolated cases. Furthermore, the Committee is concerned at the recent rise in child prostitution and the production and dissemination of pornographic materials involving children. In this regard, the fact that no specific and appropriate legislation and programmes exist to prevent and combat sexual abuse and exploitation is a serious concern to the Committee.

466. With regard to adoption, despite recent changes in the legislation regulating this practice, the Committee is concerned at the lack of

compatibility of the current legal framework with the principles and provisions of the Convention, especially with regard to the principle of the best interests of the child (art. 3).

467. The Committee is worried about the insufficient measures taken to tackle the issues of child malnutrition, disability, mental health and early pregnancies, as well as cases of early marriage. It is also concerned about the problem of youth suicide.

468. With regard to the full implementation of articles 28 and 29 of the Convention and despite the existence of international cooperation in this area, the Committee is concerned about the school drop-out rate and the insufficient alternative educational programmes. It is also concerned about the insufficient measures taken to ensure that the school curricula are guided by the principles and provisions of the Convention, especially with regard to human rights education.

469. Moreover, the Committee is concerned about the absence of legal safeguards to protect children employed in the informal sector.

470. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. Despite recent legal amendments, the Committee remains particularly worried, inter alia, about the rights of the child to legal assistance and judicial review, that deprivation of liberty is not used only as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

### (e) Suggestions and recommendations

471. The Committee recommends that the Government undertake a comprehensive review of the national legislation to bring it fully into conformity with the principles and provisions of the Convention, especially in the areas of labour, adoption, the administration of juvenile justice, and domestic violence. It also strongly recommends that the Government consider, on an urgent basis, the adoption of a law on the protection of the child.

472. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. It encourages the State party to cooperate closely with non-governmental organizations.

473. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the

situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, in institutions, or deprived of liberty, children who are victims of sexual exploitation, children belonging to minority groups, especially Roma, and children who, in order to survive, are forced to live and/or work on the street. It is further suggested that the State party request international cooperation in this regard.

474. The Committee encourages the State party to pursue its consideration of the establishment of an independent mechanism to monitor the observance of children's rights, such as an ombudsperson or a national commission for children's rights.

475. The Committee recommends that the State party take all necessary measures to take fully into account the principle of the best interests of the child (art. 3) in for every decision relating to the child's right to give testimony before a court.

476. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the school curricula and appropriate measures should be taken to facilitate access by children to information produced on their rights. The Committee suggests that the State party develop a comprehensive training programme for professional groups working with and for children such as lawyers, judges, teachers, social workers, medical doctors, law enforcement personnel and personnel in institutions for children. Police officers must be specially trained to deal with child abuse and neglect.

477. The Committee recommends that the State party, in the light of articles 2, 3 and 4 of the Convention, take all appropriate measures to the maximum extent of its available resources to ensure that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee suggests that the "child impact" of decisions taken by the authorities be assessed on an ongoing basis.

478. The Committee also suggests that appropriate alternatives to institutional care be developed, with the best interests of the child as the primary consideration, as well as the promotion of his or her harmonious development and preparation for responsible participation in society. In cases where the placement of children in institutions is necessary, measures should be adopted to ensure periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement. Consideration should be given to the establishment of a system of "guardian ad litem".

479. The Committee also suggests that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, inter alia, to preventing domestic violence and abuse, abandonment and institutionalization of children. Research should be promoted in these areas.

480. To prevent early pregnancies, the Committee recommends that sex education be strengthened and that information campaigns be launched concerning family planning. Furthermore, the Committee recommends that the Government undertake a national and comprehensive study on suicide among youth to enable the

authorities to improve their understanding of this phenomenon and take appropriate measures to reduce the suicide rate.

481. In the light of articles 19, 34 and 37 (a), the Committee strongly recommends that the State party take all appropriate measures to prevent and combat corporal punishment, sexual abuse and exploitation and ill-treatment of children, including in institutions and in detention centres. The Committee suggests that corporal punishment be prohibited by civil legislation and that appropriate legal measures be taken to combat sexual abuse and exploitation of children. Cases of abuse should be properly investigated, sanctions applied to perpetrators and publicity given to the decisions taken in those cases. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

482. With regard to adoption, the Committee recommends that appropriate legal and institutional steps be taken to fully harmonize law and procedures, at both the national and international levels, with the principles and provisions of the Convention. In this regard, the Committee suggests that the State party pursue its consideration of the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

483. In the field of education, the Committee recommends that the State party take appropriate measures to prevent school drop-outs and that the current existing programmes to retain children in schools be reinforced. The school curricula should be reviewed to promote respect for the Convention. Vocational training on the Convention on the Rights of the Child should be developed.

484. While welcoming the ratification by the State party of International Labour Organization Convention No. 138, the Committee recommends that the State party adopt all necessary legal and other appropriate measures to protect children from economic exploitation through labour, including in the informal sector.

485. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance and to a judicial review. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established as a priority matter. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

486. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by Bulgaria be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 14. Concluding observations: Ethiopia

487. The Committee considered the initial report of Ethiopia (CRC/C/8/Add.27) at its 349th to 351st meetings, on 9 and 10 January 1997 (CRC/C/SR.349-351), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

### (a) Introduction

488. The Committee expresses its appreciation to the State party for engaging in an open and constructive dialogue with the Committee. It welcomes the submission of the initial report of Ethiopia, which follows the Committee's guidelines for the preparation of States parties' initial reports, as well as written answers to its list of issues (CRC/C/Q/ETH.1), although it notes that a number of the questions asked were not answered. The Committee particularly wishes to express its satisfaction at the self-critical approach of the report in identifying a number of areas of concern, and it welcomes the willingness expressed by the delegation that the suggestions and recommendations made during the discussion would be duly taken into account by the Ethiopian authorities.

### (b) Positive factors

489. The Committee notes with appreciation the steps taken since 1991 to set up democratic institutions in the country. It welcomes the adoption of a new Constitution, which incorporates international standards in the field of human rights, including, in its article 36, a specific reference to some of the rights enshrined in the Convention on the Rights of the Child.

490. The Committee notes with satisfaction that the Convention, as well as other international treaties dealing with human rights, are incorporated into domestic law, and that article 13 of the Constitution states that human rights provisions of the Constitution are to be interpreted in line with international human rights instruments ratified by Ethiopia.

491. The Committee also welcomes the political commitment within the country to improve the situation of children, which finds expression notably through the setting up of an Inter-ministerial Legal Committee to review national legislation and its compatibility with the provisions of the Convention, through the establishment of committees on the rights of the child at the national, regional, zonal and woreda levels, as well as through the adoption of a National Plan of Action and the establishment of a ministerial committee to monitor its implementation.

492. The Committee is encouraged by the combined efforts undertaken by the Government and international or non-governmental organizations to protect and promote children's rights, in particular in the field of information on HIV/AIDS and information campaigns on harmful traditional practices affecting children. With regard to the latter, the Committee welcomes the establishment of the National Committee on Traditional Practices to develop information and sensitization campaigns on all forms of harmful traditional practices affecting the health of women and children, with a particular emphasis on female genital mutilation.

493. The Committee notes with appreciation that primary education has been made free, although it regrets that it has not yet been made compulsory.

### (c) Factors and difficulties impeding the implementation of the Convention

494. The Committee acknowledges that the State party has had to face, during the past few years, economic, social and political challenges, owing, inter alia, to years of civil war and the transition to democracy. It notes the existence of interregional and urban/rural disparities, in particular with regard to the availability of resources and infrastructure, which may lead to discrimination in the enjoyment of the rights provided for in the Convention. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

### (d) Principal subjects of concern

495. The Committee notes that, although the notification of the ratification of the Convention by Ethiopia was published in the official gazette, the full text of the Convention has to date not been published in the gazette, thus making it difficult for law enforcement officials, judicial personnel and other professionals working with and for children to have access to and an understanding of its provisions.

496. The Committee also notes that there is a lack of awareness and understanding in the State party of the principles and provisions of the Convention. In this regard, the Committee is concerned at the lack of adequate and systematic training provided to law enforcement officials, judicial personnel, teachers, social workers and medical personnel. The Committee further notes that insufficient attention has been paid in practice as well as in the legislation to the principles of the best interests of the child, respect for the child's views and the child's participation in family, social and school life.

497. The Committee notes with concern the lack of adequate mechanisms for the collection of reliable quantitative and qualitative data on the situation of children throughout the country, which hinders the effective assessment by the authorities of the situation of each and every group of children in all parts of the country, and thus makes the adoption of targeted policies in the field of the protection of the rights of children difficult.

498. The Committee expresses its concern about the negative effects of poverty on the situation of children in Ethiopia, as illustrated by the high levels of infant and under-five mortality rates and malnutrition, and at the low levels of school enrolment, education, immunization coverage and health services in general.

499. The Committee notes with concern the non-compatibility of certain provisions of domestic law with the principles and rights enshrined in the Convention, such as the provision for a different minimum age of marriage for girls (15 years of age) and boys (18 years of age), the provision in the Penal Code of the possibility to sentence children to corporal punishment, the provision in the Civil Code for "light bodily punishment" as an educative measure within the family and the limitation of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings.

500. The Committee remains concerned at prevailing traditional attitudes and harmful practices, such as female genital mutilation, early marriages and

teenage pregnancies, and at the persistence of discriminatory social attitudes against vulnerable groups of children, such as the girl child, disabled children, children born out of wedlock and children affected by or infected with HIV/AIDS, including orphans.

501. The Committee is concerned that insufficient steps have been taken to ensure the registration of children after birth and that the State registration procedure is hampered in practice by the lack of registration desks, especially in rural areas. The Committee also expresses its concern about the lack of adequate means available for the registration of refugee children.

502. The Committee is concerned that, since children are able to lodge complaints only through their parents or legal guardians, the right to adequate recourse and complaint procedures for children victims of abuse, including sexual abuse, neglect or ill-treatment within their families, does not seem to be secured. The Committee is also concerned that the enjoyment by children of their right to participate actively in the promotion of their own rights does not seem to be guaranteed.

503. The Committee is concerned at the low levels of school enrolment and at the high drop-out rates, especially among girls, at the lack of learning and teaching facilities and at the shortage of trained teachers, in particular in rural areas. It shares the concerns expressed in the State party's report that the school curricula are divorced from cultural and social realities, and regrets that they do not yet include a programme of education on human rights and children's rights. Moreover, the Committee expresses the concern, as mentioned above, that primary education has not yet been made compulsory.

504. The Committee expresses the concern that the systems of national and intercountry adoptions are not fully in conformity with the provisions of article 21 of the Convention, in particular article 21 (a), and with the principles of the best interests of the child and respect for his or her views.

505. The Committee is also concerned at the situation of children in especially difficult circumstances, including children living and/or working in the street, and at the incidence of child labour, in particular in the informal sector.

506. The Committee is deeply concerned at the present system of juvenile justice, which is not in conformity with articles 37, 39 and 40 of the Convention. It is particularly concerned about the setting of the age of criminal responsibility at nine years and that as from the age of 15 years, children are treated as adults. In this regard, the Committee regrets that it was not made clear during the discussion whether the latter means that children above 15 years of age may be sentenced to life imprisonment or detained together with adults. Furthermore, the Committee expresses concern at the possibility, mentioned above, provided for in article 172 of the Penal Code to sentence children to corporal punishment at the sole discretion of the judge, in particular with regard to the "bad or good character" of the child in determining the penalty to be applied to the child, and at the possible limitations of the right to legal counsel.

507. In the light of article 39 of the Convention, the Committee is also concerned at the insufficient measures taken by the authorities for the physical and psychological recovery and social reintegration of children victims of war.

### (e) Suggestions and recommendations

508. The Committee recommends that the full text of the Convention be published in the official gazette and that training manuals incorporating the text of the Convention be published for the professional groups working with or for children.

509. The Committee encourages the Government to continue its efforts aimed at promoting awareness and understanding of the principles and provisions of the Convention, in the light of article 42 of the Convention, in particular by ensuring the translation and publication of the text of the Convention in all national languages. Such measures would promote change in persisting negative attitudes towards children, particularly girls, disabled children, children born out of wedlock, children affected by or infected with HIV/AIDS, including orphans, and would contribute to abolishing traditional practices prejudicial to the health and well-being of children, such as female genital mutilation, early marriages and teenage pregnancies. Such efforts should be pursued in close cooperation with community and religious leaders and non-governmental organizations, at all levels of the State, that is, national, regional, zonal and *woreda* levels, and special emphasis should be placed on the need to coordinate the policies designed to implement the Convention between central and local authorities.

510. The Committee also encourages the State party to provide systematic training on the principles and rights enshrined in the Convention to the professional groups working with and for children, such as law enforcement officials, judicial personnel, personnel in child-care institutions, teachers, social workers and medical personnel, as well as to the personnel entrusted with the task of ensuring data collection in the areas covered by the Convention. Similarly, attention should be given to incorporating the Convention in school curricula, as recommended by the General Assembly in proclaiming the United Nations Decade for Human Rights Education, and by the 1993 World Conference on Human Rights.

511. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. It further recommends that the setting up of an independent mechanism, such as an ombudsperson on the rights of the child or a human rights commission, to ensure observance of children's rights, be considered.

512. The Committee recommends that the system of data collection be improved at the central and local levels of the State, and that it comprise all the areas covered by the Convention. Such a system should include all groups of children, with particular emphasis on vulnerable groups of children and on children in especially difficult circumstances, and adequate disaggregated data should be identified with a view to assessing progress achieved in the realization of children's rights and defining the policies to be adopted to better implement the provisions of the Convention. With regard to the latter, the Committee suggests that further studies and follow-up surveys on vulnerable groups of children be initiated and it recommends that the State party consider requesting technical assistance from the United Nations Children's Fund to address this question.

513. The Committee recommends that the Government pursue the process of bringing existing legislation into line with the provisions of the Convention and that the best interests of the child be fully taken into account in the drafting of new legislation. In this regard, the Committee recommends in particular that the provisions for the minimum age of marriage for girls at 15 years, the sentencing of children to corporal punishment, the "light bodily punishment" as an educational measure within the family, and the limitation of the right to legal counsel of children be abolished as a matter of priority.

514. The Committee recommends that with respect to the implementation of article 4 of the Convention, budget allocations should be made to the maximum extent of the State party's available resources and priority be given to the realization of the economic, social and cultural rights of children, including the rights to health, education and rehabilitation, and that particular attention should be paid to children belonging to the most disadvantaged groups, such as girls, disabled children, children living in rural areas, children living and/or working on the street, children involved in the administration of the juvenile justice system and children affected by or infected with HIV/AIDS, including orphans. In this regard, and with a view to contributing to the maximum use of scarce resources, the Committee recommends that the State party accord greater attention to the development of a primary health-care system, which would develop a culture of nutrition, hygiene and sanitation.

515. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention. Similarly, the Committee recommends that an adequate system of registration of refugee children be established to ensure that their rights are protected.

516. The Committee also recommends that greater efforts be made to promote the participation of children in family, school and social life, and the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association.

517. With reference to the implementation of article 19 of the Convention, the Committee recommends that a system of complaints aimed at children victims of any form of violence, abuse, including sexual abuse, neglect, maltreatment or exploitation, even while in the care of their parents, be established, as a means to ensure protection of and respect for their rights. It further recommends that cases of abuse be properly investigated, sanctions applied to the perpetrators and publicity given to the sanctions applied to such crimes. The Committee also recommends that a comprehensive and integrated public information campaign be elaborated with a view to preventing and combating all forms of abuse of childre., and that all necessary measures be taken to ensure the physical and psychological recovery and the social reintegration of children victims of war, in the light of article 39 of the Convention.

518. The Committee recommends that appropriate legislative measures be adopted and implemented with regard to adoption of children, in the light of the principles of the best interests of the child and respect for his or her views and articles 20 and 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

519. In the area of child labour, the Committee recommends that appropriate measures be adopted with a view to reflecting fully the Convention, in particular article 32, in legislation and practice, and suggests that consideration be given by the State party to ratifying International Labour Organization Convention No. 138 on minimum age for admission to employment. The Committee also suggests that the State party consider seeking cooperation with the International Labour Organization in this area.

520. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued and that the State party take fully into account the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

521. The Committee recommends that special protection measures be adopted and implemented in relation to children living and/or working on the street, children in conflict with the law, in particular those deprived of liberty, children affected by or infected with HIV/AIDS, including orphans, abused and exploited children and children involved with child labour.

522. The Committee recommends that a meeting be organized, gathering international organizations working in the country, including agencies and organizations of the United Nations system and non-governmental organizations, and competent national authorities, with a view to assessing the needs for further international assistance with regard to the promotion and protection of the rights of the child.

523. The Committee recommends that the State party's next periodic report incorporate information on the measures taken and progress achieved in the implementation of the suggestions and recommendations made by the Committee in the present concluding observations.

524. Finally, the Committee recommends that in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by Ethiopia be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 15. Concluding observations: Panama

525. The Committee considered the initial report of Panama (CRC/C/8/Add.28) at its 353rd to 356th meetings, on 13 and 14 January 1997 (CRC/C/SR.353-356), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

## (a) Introduction

526. The Committee welcomes the initial report submitted by the State party. The Committee expresses its satisfaction at the constructive dialogue held and the State party's self-critical approach in identifying a number of areas of concern. The Committee regrets, however, that neither the report nor the written answers to the list of issues (CRC/C/Q/PAN.1) contained information on specific measures taken by the State party to implement the Convention, including at the legislative level.

## (b) Positive aspects

527. The Committee notes that the Convention is directly applicable at the national level and can be invoked before the law courts or administrative authorities.

528. The Committee notes with satisfaction the efforts made by the Government of Panama in the field of law reform and welcomes the initiatives being undertaken by the Government to further the protection of the family and children by the adoption of the new Family Code, in force since January 1995. The Committee welcomes the promulgation of the Education Law which guarantees intercultural bilingual education for indigenous children and adults. The Committee notes with interest the Government's willingness to provide information and training to its staff, through the Ministry of Labour and Social Welfare.

529. The recent establishment of a "people's defender", which will monitor the enjoyment of human rights in Panama, including children's rights, is welcomed by the Committee.

530. The Committee notes with satisfaction the adoption of a Pact for Children to promote children's rights in collaboration with the United Nations Children's Fund and a large number of non-governmental organizations. The Committee welcomes the project entitled "Education for tolerance, education for democracy, human rights, development and peace", set up in 1995 by the Ministry of Education in collaboration with the United Nations Educational, Scientific and Cultural Organization.

531. The Committee notes the establishment of the Women's Department in the Ministry of Labour and Social Welfare and also of the Panamanian Institute for Special Rehabilitation which aims at assisting disabled children.

## (c) Factors and difficulties impeding the implementation of the Convention

532. The Committee is aware that Panama is emerging from a period of social and political upheaval which has had adverse economic repercussions. The Committee notes with concern the long-existing disparities in wealth between different groups of the population which affects the most vulnerable groups and hampers the enjoyment of children's rights.

## (d) Principal subjects of concern

533. While taking note of the recent achievements in the field of law reform, the Committee is concerned about the insufficient measures taken by the State party to harmonize national legislation with the principles and provisions of the Convention. In this regard, the Committee is concerned that the Family Code

currently in force in Panama does not adequately address the rights recognized by the Convention.

534. The Committee is concerned that the national legislation establishes a different minimum age for marriage for boys and girls and that it authorizes the marriage of girls as young as 14 years of age. The minimum age for employment, which is under 12 in agriculture and domestic services, is also a matter of concern to the Committee. Furthermore, the Committee is concerned that insufficient measures have been taken to protect children against sexual abuse and exploitation.

535. The Committee is concerned at the insufficient measures adopted to ensure effective coordination between different governmental departments competent in areas covered by the Convention, as well as between the central and local authorities.

536. The Committee is deeply concerned about the insufficiency of measures to collect disaggregated statistical data and other information on the situation of children, especially those belonging to the most vulnerable groups. This type of information is lacking in particular with respect to girl children, children living and/or working on the street, disabled children, children living in rural areas and indigenous children. The absence of qualitative and quantitative information on the status of children renders deficient the systematic monitoring of the implementation of the Convention.

537. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention among adults and children alike, particularly those belonging to indigenous populations. The Committee is concerned at the lack of adequate and systematic training provided to professional groups working for and with children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child-care institutions for children, police officers and officials of the central and local administrations.

538. The Committee expresses its concern at the insufficient budget allocation at all levels for social expenditures, in particular in favour of children belonging to the most disadvantaged groups of the population. The Committee notes with great concern the trend towards the perpetuation of poverty among marginalized groups of children in Panama, where 25 per cent of families live in poverty and 20 per cent live in extreme poverty. Despite the efforts made by the State party in the health and housing sectors, the situation is still precarious.

539. Particular concern is expressed by the Committee at the insufficient measures taken to ensure the effective implementation of the general principles (arts. 2, 3, 6 and 12) of the Convention on the Rights of the Child in practice, especially with regard to the girl child and children belonging to indigenous groups and to poor families. The Committee is deeply concerned about the high incidence of abandoned children and by the fact that approximately 20 per cent of the children born each year are to adolescent mothers.

540. The Committee is concerned at the persistence of violence against children within the family, including the use of corporal punishment. In the light of article 17 of the Convention, the Committee is also concerned about the need for further measures to protect children from media information and material injurious to their well-being.

541. In the light of article 2 of the Convention, the Committee is concerned about the insufficient measures, including of a legislative nature, taken by the authorities to regulate adoption adequately and to prevent and combat abuses, such as the trafficking of children.

542. While recognizing the efforts undertaken by the authorities in the education system, the Committee is concerned about the persisting disparities in relation to the low access to education of children living in rural areas, indigenous children and refugee children, who do not enjoy a system of education adequate to their cultural values and identity. The Committee is also worried about the low rates of retention, the high rates of repetition and school drop-outs, especially at the end of primary education, and by the persistent problem of illiteracy among these groups.

543. The Committee is concerned about the insufficient legal protection and the lack of adequate procedures for refugee children, especially unaccompanied minors. It is also concerned at the difficulties encountered by those children in securing access to education, health and social services. Finally, family reunification is also a matter of concern to the Committee.

544. The Committee notes with concern that child labour remains a problem in Panama. The high number of children involved in labour, especially in rural areas and in particular in coffee-growing areas as a result of a long-standing cultural pattern, is a matter of concern, as is the fact that the Government has not adequately enforced child labour provisions in the rural areas of the country.

545. The situation in relation to the administration of juvenile justice, and in particular its lack of compatibility with articles 37, 39 and 40 of the Convention, as well as with other relevant international standards, is a matter of concern to the Committee. Moreover, the apparent absence in national legislation of minimum ages below which a child may not be deprived of liberty or be considered criminally responsible causes deep concern to the Committee.

### (e) Suggestions and recommendations

546. Within the context of the legal reform undertaken by Panama, the Committee recommends that children's issues be accorded a higher priority in the State party. The Committee also recommends that the State party adopt all the necessary measures to ensure the full compliance of its national legislation with the Convention. In this regard, the Committee encourages the State party to pursue its efforts aimed at the adoption of a code on children. Furthermore, the Committee recommends that any required changes to legislation be undertaken in the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life, development and survival) and article 12 (respect for the views of the child). In this spirit, the Committee recommends that the State party define in its legislation a minimum age below which children may not be deprived of their liberty. Similarly, measures must be taken to ensure the conformity of national legislation with the provisions of article 37 (a) of the Convention. Furthermore, the Committee recommends that the State party review its legislation on the age of marriage for girls, with a view to raising it. The Committee encourages the State party to take all appropriate measures to protect children against sexual exploitation.

547. The Committee encourages the State party urgently to develop a comprehensive national strategy on children and to pursue its efforts to strengthen the institutional framework to promote and protect human rights in

general and the rights of the child in particular. In this regard, the Committee recommends that a permanent and multidisciplinary mechanism be developed to coordinate and monitor the implementation of the Convention at both national and local levels and in urban and rural areas.

548. The Committee recommends that the establishment of an independent body, such as an ombudsperson, be given further consideration by the Government. The Committee also encourages the promotion of closer cooperation between the State party and non-governmental organizations.

549. The Committee further recommends that the State party give priority attention to the development of a system of data collection by age, gender, rural/urban and social ethnic origin, and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society, to evaluate progress achieved and difficulties hampering the realization of children's rights. This is especially important in the case of Panama where historical disparities have endured, in particular with respect to female, rural and indigenous children. It is further suggested that the State party envisage requesting international cooperation in this regard, notably from the United Nations Children's Fund.

550. In the spirit of the United Nations Decade for Human Rights Education, the Committee recommends that the State party take measures aimed at developing a culture of human rights and at changing attitudes towards children in general, and children belonging to indigenous groups in particular. It therefore recommends that information and education about children's rights be disseminated to children and adults alike. Such information should be translated into the different languages spoken by indigenous people. Moreover, the existence of a high level of illiteracy in the country requires the use of the media in a manner adapted to the various levels of the audiences in the country.

551. The Committee recommends that training and education on the principles and provisions of the Convention be undertaken and addressed to all professionals working with or for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child-care institutions, police officers and officials of the central and local administrations. In addition, the Committee recommends that children's rights be included in the school curricula as a measure of enhancing respect for indigenous culture, promoting multiculturalism and combating the paternalistic attitudes prevailing in society. In this regard, the Committee encourages the State party to envisage seeking technical cooperation from appropriate international intergovernmental and non-governmental organizations, including the United Nations High Commissioner/Centre for Human Rights and the United Nations Children's Fund.

552. With respect to articles 2, 3 and 4 of the Convention, it is the opinion of the Committee that appropriate budgetary provisions should be made to the maximum extent possible. In this regard, particular attention should be given to children belonging to vulnerable and marginalized groups, with a view to providing adequate services, including in the areas of education and health, and to overcoming persisting disparities. The Committee emphasizes that the interrelated and integrated nature of the rights provided for in the Convention requires that the Convention be recognized as the general framework for reaching decisions on the allocation of resources for children. Moreover, in the light of article 4 of the Convention, international assistance provided to Panama should aim at the promotion of children's rights.

553. Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life, in the light of articles 12, 13 and 15 of the Convention.

554. The Committee recommends that effective public awareness campaigns be developed and that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, inter alia, to preventing domestic violence and to prohibiting the use of corporal punishment, as well as to preventing early pregnancies. It also recommends that the State party reinforce existing measures to protect children from harmful information.

555. The Committee recommends that the State party take all necessary measures to regulate and monitor national and international adoptions in order to prevent any violations of the principles and provisions of the Convention, especially article 21. It is also recommended that adequate training be provided to concerned professionals. The Committee also suggests that Panama consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

556. In the area of education, it is the view of the Committee that a range of measures should be undertaken by the State party to ensure the implementation of articles 28 and 29 of the Convention. Taking into account the strategy being developed, the Committee recommends that the State party focus greater efforts on eradicating illiteracy and on increasing access to school education by indigenous children and children living in rural areas. The Committee recognizes that this requires greater efforts in training teachers. The Committee also recommends that the State party take all necessary measures to prevent school drop-outs and ensure retention.

557. As a means of tackling the integrated issues of education and child labour, the Committee recommends that all sectors of society and the economy become involved in implementing the Committee's recommendations that the Government undertake effective public campaigns to prevent and eliminate child labour, especially in rural areas, while systematically and forcefully encouraging the enrolment, retention and return of children to school. The Committee suggests that Panama consider becoming a party to International Labour Organization Convention No. 138 concerning the minimum age for admission to employment and review all relevant standards. Regulations to prevent child labour should be clarified and enforced, complaints should be investigated and severe penalties imposed for violations. The Committee also suggests that the State party consider seeking cooperation with the International Labour Organization in this area.

558. The Committee recommends that the Government of Panama ensure adequate protection of refugee children, including in the field of education. Procedures should be developed in cooperation with the Office of the United Nations High Commissioner for Refugees to facilitate family reunification, as well as to appoint legal representatives for unaccompanied children, and to apply, when relevant, child-friendly interview techniques.

559. The Committee encourages the State party to take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social reintegration in the light of article 39 of the Convention.

560. The Committee further recommends that the juvenile justice system be revised to ensure its compatibility with the principles and provisions of the Convention, including those of articles 37, 39 and 40, as well as of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In addition, it is recommended that the State party consider requesting technical assistance in this field from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

561. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Panama be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 16. Concluding observations: Myanmar

562. The Committee considered the initial report of Myanmar (CRC/C/8/Add.9) at its 357th to 360th meetings, on 15 and 16 January 1997 (CRC/C/SR.357-360), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

### (a) Introduction

563. The Committee expresses its appreciation to the State party for the submission of written answers to the list of issues (CRC/C/Q/Mya.1). The Committee notes that the report, although following the thematic structure for reporting set out in the general guidelines, was incomplete in its appreciation of the situation of children in the country since it did not incorporate an assessment of factors and difficulties impeding the enjoyment of the rights of the child.

### (b) Positive factors

564. The Committee welcomes the fact that the State party has withdrawn its reservations on articles 15 and 37 of the Convention.

565. The Committee is encouraged by the fact that the State party has adopted a National Plan of Action and established a National Committee on the Rights of the Child in 1993.

566. The Committee welcomes the enactment of a national law on the protection of children in 1993.

### (c) Factors and difficulties impeding the implementation of the Convention

567. The Committee notes that the State party has been deeply affected by years of internal conflict that has gravely disturbed some regions of the country. Violence and instability have had a considerable negative impact on the situation of children in Myanmar: many of them have been subjected to various

forms of violation of their rights and have been forced to flee areas affected by violence.

568. The Committee further notes that several years of unfavourable economic conditions in the State party have adversely affected the situation of the most vulnerable groups in society.

(d) Principal subjects of concern

569. The Committee is concerned about the lack of conformity between the existing national legal framework and the principles and provisions of the Convention, namely the Citizenship Act, the Village and Towns Acts and the Whipping Act. The Committee is also concerned at the fact that the laws relating to freedom of expression and association and some sections of the Law on Child Labour raise doubts as to their conformity with the provisions of the Convention. It is also of the opinion that the law concerning juvenile justice is not guided by the Convention and other relevant international instruments. The age of criminal responsibility, at present seven years of age, is too low; torture is not clearly prohibited by existing legislation and no complaint procedure for children exists. The Committee is also worried that the law prohibiting discrimination fails to conform fully to article 2 of the Convention by not explicitly protecting children from discrimination on the basis of political or other opinion, ethnic or social origin, disability of the child or his or her parents. Finally, the Committee is concerned that the human rights of children are not yet integrated in a fundamental body of law.

570. The Committee is concerned that the Convention on the Rights of the Child and the National Plan of Action have not yet been translated into concrete programmes, sectoral policies and allocation of necessary resources to ensure the implementation of the rights recognized in the Convention throughout the country. Lack of evaluation and monitoring systems are also a matter of concern.

571. The Committee, while recognizing the efforts undertaken by the State party in the collection of data, is concerned that the system of data collection does not adequately disaggregate information so as to reflect the situation of all children, particularly those belonging to the most disadvantaged groups, including children belonging to minority groups, children living in remote areas, disabled children, children living and/or working on the street, children placed in institutions, including institutions of a penal nature, ill-treated and abused children or children from economically disadvantaged groups. Such disaggregated data would contribute to the design of policies and programmes for the effective and full implementation of the provisions of the Convention.

572. The Committee is also concerned at the lack of an integrated strategy on children, as well as of a fully effective monitoring mechanism for all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of the economic problems and by the internal conflict.

573. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee expresses particular concern at the insufficient budget allocation for social expenditures, in particular in favour of children belonging to the most disadvantaged groups of the population.

574. The Committee is also concerned that the general principles of the Convention, as laid down in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), are not being applied and duly integrated into the implementation of all articles of the Convention. The Committee is concerned that these principles are not adequately reflected in legislation and therefore are not properly integrated in all decisions and actions concerning children, including at the administrative and judicial levels. Concern is also expressed at the status and situation of children belonging to ethnic and religious minority groups, the girl child and children living in rural and remote areas. The insufficiency of measures taken by the authorities to prevent and combat discrimination against those groups of children is also a matter of concern.

575. With regard to the implementation of articles 2 and 3 of the Convention, the Committee is seriously concerned at the fact that the national identity card explicitly mentions the religion and ethnic origin of each citizen, including children. It is also seriously concerned at the fact that the Citizenship Act establishes three different categories of citizenship and therefore some categories of children and their parents might be stigmatized and/or denied certain rights.

576. The Committee is concerned at the insufficient measures taken by the authorities to raise awareness and to provide education on the Convention to adults and children alike. The fact that the Convention is not translated into all national languages and is therefore not accessible to all children living in the territory of the State party is also a matter of concern, as is the lack of knowledge on the Convention among professional groups working for and with children, including judges, lawyers, law enforcement and army personnel, health professionals, teachers, social workers, and personnel working in child-care institutions.

577. The Committee is concerned that the State party has not taken all legal and other appropriate measures to promote and implement the rights contained in articles 13, 14 and 15. Of particular concern is the fact that children considered poor are channelled towards monastic Buddhist schools and are offered no alternative educational opportunity. This might challenge the right to freedom of religion for non-Buddhist children who are enrolled in those schools. Deep concern is also expressed by the Committee with regard to the right of children to freedom of speech, association and peaceful assembly. Moreover, the Committee is seriously concerned at the recent closure of some high schools.

578. The Committee is concerned at the existing legal framework and procedures regulating adoption which are not in full conformity with the principles and provisions of the Convention, especially articles 3 and 21.

579. The Committee expresses its concern about the high rates of infant mortality and malnutrition, as well as the low level of health services, which are partly due to poverty, deep disparities between urban and rural communities and the impact of the internal conflict. The Committee is also worried about the lack of sufficient measures to offer appropriate and accessible social, rehabilitation and educational services to disabled children.

580. With regard to the implementation of articles 28, 29 and 30 of the Convention, the Committee is concerned at the high drop-out and repetition rates. It is also concerned at the lack of resources in the field of vocational training. Finally, the Committee is concerned at the insufficient measures taken by the State party to provide education in minority languages.

581. The Committee is seriously concerned about the impact of years of internal conflict which has generated important instability in several regions of the country and resulted in situations where families have been forcibly relocated or displaced, or encouraged to cross borders to seek protection as refugees. The rights of most children involved in those population movements have not been properly addressed and safeguarded.

582. Reports from various sources concerning cases of abuse and violence perpetrated against children have raised grave concern within the Committee, particularly regarding numerous documented cases of rape of young girls by soldiers and cases of children systematically being forced into labour, including as porters.

583. Of equally grave concern to the Committee are the numerous reported cases of forced and under-age recruitment of child soldiers.

584. The Committee is concerned at the fact that children working in the family environment or in family enterprises are not protected by law. The Committee is also concerned about the abuse and exploitation of adopted children, especially in the area of child labour, and at the absence of legal safeguards to protect them.

585. Furthermore, the Committee expresses its regret that insufficient measures are being taken to address the problems of child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography. It is especially concerned at the fact that a significant number of girls, and sometimes boys, are victims of transnational trafficking for the purpose of sexual exploitation in brothels across the border.

586. In the light of article 39 of the Convention, the Committee is worried about the insufficient measures taken to provide physical and psychological recovery and social reintegration to children victims of any form of neglect, abuse and/or exploitation, particularly victims of armed conflicts, sexual exploitation and child labour.

587. The situation in relation to the administration of juvenile justice, and in particular its lack of compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of serious concern to the Committee. Severe conditions of detention, the fact that deprivation of liberty is not used only as a measure of last resort, the lack of access by the child to legal assistance and judicial review, and the absence of a monitoring system are situations that remain of particular concern to the Committee.

588. The Committee is worried about the failure of the State party to cooperate with non-governmental and intergovernmental organizations in the framework of existing international human rights mechanisms. The Committee is concerned about the impact of this situation on the daily life of every child living under the jurisdiction of the State party.

### (e) Suggestions and recommendations

589. The Committee recommends that the State party undertake a comprehensive review of the national legislation to bring it into conformity with the principles and provisions of the Convention, especially in the areas of non-discrimination, citizenship, freedom of association, corporal punishment,

child labour, adoption and the administration of juvenile justice. The Committee also recommends that the Citizenship Act, the Village and Towns Acts and the Whipping Acts be repealed. Laws relating to the right to non-discrimination, freedom of association, child labour and juvenile justice should be amended so as to be fully compatible with the provisions and principles of the Convention. The Committee recommends that the State party take all necessary measures to fully reflect the rights recognized by the Convention in a fundamental body of law.

590. The Committee recommends that the State party reinforce at all levels the role of the National Committee for the Rights of the Child in the implementation of the Convention. The State party should take all necessary measures to fully integrate the Convention and the National Plan of Action in all programmes and sectoral policies.

591. The Committee also recommends that the State party gather all necessary data on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups.

592. The Committee further recommends that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change and armed conflicts on children. Such a monitoring system should enable the State to shape appropriate and comprehensive policies to protect vulnerable groups and to bridge existing disparities between urban and rural areas. Efforts should be made to ensure implementation of policies and measures for the promotion and protection of the rights of the child, in cooperation with United Nations bodies and the specialized agencies, including the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar and other international mechanisms, the United Nations High Commissioner/Centre for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the World Health Organization and the International Labour Organization.

593. The Committee recommends that the State party, in the light of articles 2, 3 and 4 of the Convention, take all appropriate measures to the maximum extent of its available resources to ensure that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee suggests that the "child-impact" of decisions taken by the authorities be assessed on an ongoing basis.

594. With regard to the full implementation of the principles set out in articles 2, 3, 6 and 12 of the Convention, the Committee suggests that the State party fully integrate them in all its policies, laws, actions and programmes affecting children at all levels, including at the administrative and judicial levels, especially with regard to children belonging to ethnic and religious minority groups, the girl child, disabled children and children living in rural and remote areas.

595. Concerning the right to citizenship, the Committee is of the view that the State party should, in the light of articles 2 (non-discrimination) and 3 (best interests of the child), abolish the categorization of citizens, as well as the mention on the national identity card of the religion and ethnic origin of citizens, including children. In the view of the Committee, all possibility of

stigmatization and denial of the rights recognized by the Convention should be avoided.

596. While encouraged by initiatives taken by the authorities to raise awareness on the Convention, the Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in school curricula and appropriate measures should be taken to facilitate access by children to information produced about their rights. The Committee suggests that the State party develop a comprehensive training programme, especially focusing on child abuse, for professional groups working for and/or with children, including judges, lawyers, law enforcement and army personnel, health professionals, teachers, social workers, and personnel working in child-care institutions. In this regard, the Committee suggests that the State party envisage cooperation with United Nations bodies, including the United Nations Children's Fund, the specialized agencies and national and/or international non-governmental organizations.

597. The Committee recommends that the national law and practice with regard to adoption be made to conform fully with the Convention, including the principle of the best interests of the child (art. 3). The Committee also suggests that the State party envisage ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

598. The Committee recommends that the State party take all appropriate measures, including legal means, to fully implement articles 13, 14 and 15 of the Convention. It suggests that the State party give an alternative education choice to non-Buddhist and poor children and that the State party take all measures to fully guarantee the freedoms of association and speech, as well as the right to peaceful assembly.

599. The Committee recommends that the State party take all appropriate measures to provide access to health services throughout the country and to all children, including the ones living in the most remote areas as well as the ones belonging to minority groups. The State party should also take appropriate action to offer better protection and access to social services to physically and mentally disabled children.

600. The Committee further recommends that the State party take all appropriate measures, including by reinforcing existing international cooperation programmes, to reduce the rates of school drop-out and repetition. It also recommends that the State party allocate resources to translate school materials into minority languages in order to encourage schools and teachers in the appropriate regions to provide education in minority languages.

601. While welcoming the recent peace agreements between the Government and a great majority of armed rebel groups in the country, the Committee strongly recommends that the State party prevent any occurrence of forced relocation, displacement and other types of involuntary population movements which deeply affect families and the rights of children. The Committee also recommends that the State party reinforce its central tracing agency to favour family reunification.

602. Furthermore, the Committee strongly recommends that all reported cases of abuse, rape and/or violence against children committed by members of the armed forces be rapidly, impartially, thoroughly and systematically investigated.

Appropriate judicial sanctions should be applied to perpetrators and wide publicity should be given to such sanctions.

603. The Committee strongly recommends that the army of the State party absolutely refrain from recruiting under-aged children, in the light of existing international human rights and humanitarian standards. All forced recruitment of children should be abolished, as well as their involvement in forced labour.

604. With a view to fully protecting children who work within their family, the Committee recommends that the State party amend its existing legislation appropriately. The Committee also recommends that the authorities take all necessary measures to prevent and combat, by legal or any other appropriate action, the exploitation of adopted children, including through labour.

605. The Committee also recommends that the State party take all appropriate measures to prevent and combat child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography. The Committee encourages the establishment of bilateral agreements between concerned parties to prevent and combat transnational trafficking and sale of children for sexual exploitation.

606. The Committee recommends that all necessary measures be taken by the State party to fully implement article 39 of the Convention, especially to promote the physical and psychological recovery and social reintegration of children victims of armed conflict, abuse and neglect, any form of violence, including rape, child labour and forced labour, sexual exploitation and trafficking and sale. The Committee would like to suggest that the State party consider seeking international assistance in this area from appropriate United Nations bodies, including the United Nations Children's Fund, the specialized agencies and non-governmental organizations.

607. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to using deprivation of liberty only as a measure of last resort and for the shortest possible period of time; to ensuring humane conditions of detention, taking into account the specific needs of children, including separation from adult detainees; to the rights of the child to legal assistance and judicial review; to due process of law; and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. An independent monitoring mechanism, national and/or international, should guarantee the full implementation of those rights. Finally, the Committee would like to suggest that the State party consider seeking international assistance in the area of the administration of juvenile justice from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

608. The Committee encourages dialogue and international cooperation, especially in the field of human rights, including those of children, between the State party and the international community. The Committee recommends that, in the spirit of international cooperation in the area of human rights, including children's rights, the State party implement all the recommendations made by the Special Rapporteur of the Commission on Human Rights on the situation of human

rights in Myanmar. While appreciating the fact that Myanmar is a State party to the Convention on the Rights of the Child, the Committee also suggests that it envisage ratifying other major international human rights treaties.

609. The Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by Myanmar be made widely available to the public at large and that consideration be given to publication of the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government and the general public, including concerned non-governmental organizations.

## 17. Concluding observations: Syrian Arab Republic

610. The Committee considered the initial report of the Syrian Arab Republic (CRC/C/28/Add.2) at its 360th to 362nd meetings, on 16 and 17 January 1997 (CRC/C/SR.360-362), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

### (a) Introduction

611. The Committee wishes to express its appreciation for the constructive dialogue engaged with the delegation. While it welcomes the submission by the Syrian Arab Republic of its initial report and written answers to its list of issues (CRC/C/Q/SYR.1), the Committee regrets the lack of information provided on the implementation of the principles and provisions of the Convention in practice, preventing it from obtaining a more detailed picture of the situation of children within the country.

### (b) Positive factors

612. The Committee notes with appreciation that the Convention is fully incorporated into domestic law, and that the Civil Code and the Code of Criminal Procedure expressly provide that their provisions shall not apply in case they conflict with a provision of an international convention in force in the Syrian Arab Republic. The Committee also welcomes the fact that a number of provisions of domestic law are currently being reviewed in order to ensure their conformity with the principles and provisions of the Convention.

613. The Committee welcomes the initiatives taken by the Government, such as the establishment at the ministerial level of a Higher Committee for Child Welfare, the setting up of a National Committee for Children to monitor the implementation of the Convention in the Syrian Arab Republic and the adoption of a National Plan of Action to implement the World Declaration on the Survival, Protection and Development of Children in the 1990s.

614. The Committee notes with appreciation that education is free of charge at all levels and that it has been made compulsory at the primary level by the Compulsory Education Act, No. 35, of 1981.

615. The Committee further notes with appreciation the intention of the Government to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon.

### (c) Factors and difficulties impeding the implementation of the Convention

616. The Committee notes that the State party, as a result of the occupation of a part of its territory, is not in a position to exercise control over all of its territory and consequently cannot ensure the implementation of the Convention in all parts of the country. The Committee also notes in this context that the important budget devoted to military expenditure and the insufficient budget allocated to the social sector may contribute to hampering the enjoyment by children of their rights under the Convention.

### (d) Principal subjects of concern

617. The Committee is concerned that the broad nature of the reservations made by the State party to articles 14, 20 and 21 of the Convention may cause misunderstandings about the nature of the State's commitment to implementing the rights covered by these articles.

618. While welcoming the existence of government bodies competent to deal with the welfare of children at the national level, the Committee expresses its concern at the insufficient coordination between these bodies and between national and local bodies in developing a comprehensive approach to the implementation of the Convention.

619. The Committee is concerned at the insufficient measures taken to systematically gather reliable quantitative and qualitative data on all areas covered by the Convention in relation to all groups of children, so as to evaluate progress achieved and to assess the impact of policies adopted with respect to children, with particular emphasis on education, health, child labour, refugee children and children belonging to minorities, the girl child, children involved with the administration of juvenile justice, disabled children, children victims of abuse or ill-treatment and children living and/or working in the street.

620. While acknowledging the initiatives taken to promote awareness of the principles and provisions of the Convention, the Committee remains concerned at the insufficient measures taken to ensure that the principles and provisions are made widely known to children, parents, officials and professionals working with and for children. In this regard, it is particularly concerned that the training in the field of children's rights provided to members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and not systematic. The Committee is also concerned at the lack of measures taken to publish and disseminate the text of the Convention within the public, in formats intended for both children and adults and according to their levels of education.

621. The Committee notes with concern that the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life are not fully reflected in domestic legislation and implemented in practice. It is also concerned at the lack of conformity of relevant domestic laws with the definition of the child under the Convention, especially at the low age of criminal responsibility (seven) and of access to employment.

622. The Committee expresses its concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, and towards

children born out of wedlock. Moreover, the lower marriageable age for girls than for boys raises questions as to its compatibility with the Convention, in particular article 2.

623. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of the State's available resources, with particular emphasis on health and education. The Committee is particularly concerned at the insufficient policies, measures and programmes for the protection of the rights of the most vulnerable children, especially children living in poverty, the girl child, disabled children, children victims of abuse, children belonging to minority groups and children who are living and/or working on the street.

624. The situation of refugee and Syrian-born Kurdish children is a matter of concern to the Committee in the light of article 7 of the Convention. In this regard, the Committee notes the absence of facilities for the registration of refugee children born in the Syrian Arab Republic, and that Syrian-born Kurdish children are considered either as foreigners or as maktoumeen (unregistered) by the Syrian authorities and face great administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality at birth.

625. With regard to education, the Committee notes with concern the high drop-out rates from the secondary level, especially among girls, the high teacher/student ratio and the lack of adequate learning and teaching facilities. The Committee further notes that the school curricula do not yet contain a programme on human rights and children's rights education.

626. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family and to provide physical and psychological recovery and social reintegration to children victims of such ill-treatment and abuse, and at the lack of information provided on this matter. The Committee also notes with concern that disciplinary measures in schools often consist of corporal punishment although it is prohibited by law.

627. The Committee notes with concern that the minimum age for employment of children is too low and that children working in family enterprises are not protected by the relevant provisions of Labour Act No. 91 of 1959, including on the minimum age of employment, the prohibition of night work and other protection measures with regard to harmful occupations. Furthermore, the Committee expresses its concern at reports of exploitation of child labour in the agricultural sector and at the lack of means available in rural areas to combat and prevent this phenomenon.

628. The Committee expresses its concern at the system of the administration of juvenile justice in the State party, which does not conform to articles 37 and 40 of the Convention and other relevant United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. It notes in particular that children may be deprived of liberty at a very low age and that sufficient attention has not been paid to date to find alternatives to institutional care of children.

### (e) Suggestions and recommendations

629. The Committee encourages the State party to review its reservations to articles 14, 20 and 21 of the Convention. In this regard, the Committee underlines that interpretative declarations by the State party might have the desired effect of clarifying the State position in respect of these particular rights.

630. While it welcomes the establishment of the Higher Committee for Child Welfare and the National Committee for Children, the Committee recommends that further efforts be developed, through these committees, to increase and systematize vertical coordination between central and local administrations and bodies involved in the protection of the rights of the child and in the implementation of the various policies and programmes thereon.

631. The Committee recommends that the system of data collection be improved and that it identify appropriate and specific disaggregated indicators to allow the identification of sectors where further action is needed and the assessment of progress achieved in all areas covered by the Convention in all parts of the country and with regard to all groups of children, including children in especially difficult circumstances. The Committee notes the willingness of the State party to receive technical assistance in this particular area and it recommends that cooperation be developed with the United Nations Children's Fund. The Committee also suggests that the State party consider incorporating in its National Plan of Action data reflecting all areas covered by the Convention.

632. The Committee also recommends that the State party continue and increase its activities in the field of the promotion of public awareness of the principles and provisions of the Convention, in the light of article 42 of the Convention, and that it set up programmes for the continuous training of officials and professionals working with and for children, including members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel. The Committee also recommends that, within the review of the school curricula currently under way, special emphasis be given to the incorporation of the general principles of the Convention in the programmes of education.

633. The Committee recommends that the State party pursue its efforts with a view to ensuring full conformity of its national laws with the Convention, having due regard for the general principles of the Convention, in particular those relating to the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life. In this regard, the Committee recommends that specific provisions be incorporated, wherever appropriate, in the law to reflect those principles and that the provisions relating to the minimum age of marriage for girls, the age of criminal responsibility, the minimum age of access to employment and work in family enterprises be reviewed and brought into line with the principles of the Convention as a matter of priority.

634. The Committee recommends that information campaigns be launched to prevent and combat prevailing discrimination against girls. The Committee also recommends that appropriate proactive measures be adopted for the protection of children born out of wedlock.

635. The Committee also recommends that, in the light of article 4 of the Convention, priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children belonging to the most disadvantaged groups. In this regard, the Committee suggests that the ministries responsible for overall planning and budgeting be fully involved in the activities of the Higher Committee on Child Welfare and the National Committee on Children, with a view to ensuring that their decisions have a direct and immediate impact on the budget.

636. As regards the enjoyment of their rights under article 7 of the Convention by refugee children born in the Syrian Arab Republic and by Syrian-born Kurdish children, the Committee emphasizes that the right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin, in line with article 2 of the Convention. The Committee also recommends that the State party consider the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1961 Convention on the Reduction of Statelessness.

637. The Committee recommends that special attention be paid by the authorities to the problem of ill-treatment and abuse of children within the family and of corporal punishment in schools. In this regard, the Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental punishment within the family or in schools, as well as for the establishment of a complaint mechanism intended to benefit children victims of such ill-treatment or abuse. The Committee further recommends that mechanisms for the physical and psychological recovery and social reintegration of children victims of such ill-treatment and abuse be established.

638. The Committee further recommends that the provisions of Labour Act No. 91 of 1959 relating to the protection of children with regard to employment be reviewed and brought into line with the Convention, in particular article 32. The Committee suggests that the State party consider the ratification of International Labour Organization Convention No. 138 on minimum age for admission to employment.

639. The Committee recommends that the State party envisage undertaking a reform of the system of juvenile justice in the spirit of articles 37, 39 and 40 of the Convention and other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. To this end, the Committee suggests that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat. The Committee further suggests that the setting up of an independent monitoring body to receive and consider complaints of children involved with the administration of juvenile justice be duly considered by the Syrian authorities.

640. The Committee recommends that, in view of the legislative review and adoption of policies by the State party in the spirit of the principles and provisions of the Convention, studies be conducted, in close cooperation with the United Nations Children's Fund and national and international non-governmental organizations, notably in the fields of health and family planning, education and human rights education, and early marriage and child abuse, including sexual abuse of children within the family.

641. Finally, while recalling the intention of the State party to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon, the Committee recommends, in the light of article 44, paragraph 6, of the Convention, that such publications be made widely available to the public at large in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 18. Concluding observations: New Zealand

642. The Committee considered the initial report of New Zealand (CRC/C/28/Add.3) at its 363rd to 365th meetings, on 20 and 21 January 1997 (CRC/C/SR.363-365), and, at its 371st meeting, on 24 January 1997, adopted the following concluding observations.

### (a) Introduction

643. The Committee expresses its appreciation to the State party for its detailed report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the Government of New Zealand of written replies to its list of issues (CRC/C/Q/NZ1.1). It notes with satisfaction the supplementary information provided by the delegation during and after the consideration of its report and the constructive dialogue with the delegation of the State party.

### (b) Positive factors

644. The Committee welcomes the adoption of the Domestic Protection Act, 1995, which provides greater protection to the victims of domestic violence than was available under the former domestic violence legislation, and in particular the extension of protection under the domestic protection system to children.

645. The Committee notes with interest the increasing emphasis on monitoring and evaluation of the impact on children of proposed legislation and policies affecting children. In particular, it welcomes the inclusion of specific monitoring and evaluation procedures for new policy proposals submitted to the Cabinet.

646. The Committee welcomes the wide range of support services that are available to assist children with a disability to enhance their development and maximize their potential.

647. The Committee welcomes the application of the age discrimination provisions of the Human Rights Act, 1993, to include coverage of young persons aged 16 years and older, and the fact that the Human Rights Commission can receive complaints from children.

648. The Committee welcomes the State party's initiative of convening a "Youth Parliament" as a means of realizing an important dimension of article 12 of the Convention.

### (c) Principal subjects of concern

649. The Committee is concerned about the broad nature of the reservations made to the Convention by the State party, which raise questions as to their

compatibility with the object and purpose of the Convention. Moreover, the Committee regrets that the State party has not extended the Convention with respect to the territory of Tokelau, which is not at present a sovereign State and remains a Non-Self-Governing Territory in important respects.

650. The Committee regrets that the State party's approach to the rights of the child appears to be somewhat fragmented, as there is no global policy or plan of action which incorporates the principles and provisions of the Convention, encompassing all the areas covered by the Convention.

651. The Committee notes with concern the lack of conformity of relevant domestic laws with the definition of the child under the Convention, especially with regard to the minimum age for charging a child with serious offences and the minimum age of access to employment. The Committee further notes with concern the appearance of a wide range of age cut-offs - which do not appear to be necessarily consistent - under legislation administered by various government entities for eligibility for different types of government support.

652. While viewing with interest the extensive delegation to non-governmental organizations of delivery of certain support services to children and their families, the Committee considers that the ultimate responsibility for the quality of such Government-supported services rests with the State party - be it at the central or local level - and that delegated programmes need careful monitoring and evaluation. In this regard, the Committee also notes that the public funding of such non-governmental organizations may raise questions as to their independence.

653. The Committee notes with concern the insufficient measures adopted to ensure effective coordination between different governmental departments competent in areas covered by the Convention as well as between the central and local authorities. The Committee is concerned that this may not only result in a lack of a central focal point for coordinating governmental action, but also lead to inconsistency in government action.

654. The Committee is concerned about the insufficiency of measures to collect disaggregated statistical data, including in relation to the registration of complaints from children, and other information on the situation of children, especially those belonging to the most vulnerable groups. The absence of qualitative and quantitative information on the status of children makes the assessment of the implementation of the Convention difficult.

655. As regards the implementation of article 4 of the Convention, the Committee is concerned that the extensive economic reform process undertaken in New Zealand since the mid-1980s has affected the budgetary resources available for support services for children and their families and that all necessary measures to ensure the enjoyment by children of their economic, social and cultural rights to the maximum extent of the State's resources have not been taken.

656. The Committee regrets the rise in the number of single-parent families and is concerned about the lack of a concerted strategy by the State party to address the needs of children affected by this trend.

657. The Committee expresses its concern at the authorization provided by section 59 of the Crimes Act to use physical force against children as punishment within the family, provided that the force is reasonable in the circumstances. Moreover, the Committee notes the insufficient measures taken to address the issue of ill-treatment and abuse, including sexual abuse, within the

family, as well as the issues of physical and psychological recovery and social reintegration of children victims of such ill-treatment or abuse.

658. The Committee expresses its serious concern at the high rate of youth suicide in New Zealand.

659. The Committee notes with concern that the Maori population lags significantly behind the non-Maori population in most statistics of well-being, thus reflecting that insufficient measures have been taken to protect and promote the enjoyment of the rights of this population group, and of Maori children in particular.

660. The Committee notes with regret that the State party does not have a comprehensive policy to deal with the issue of child labour, a basic minimum age of admission to employment, or a range of minimum ages for different types of work and working conditions.

661. The Committee expresses its concern that government support services to refugees and asylum seekers, including children, appear to be differentiated according to whether persons are admitted as refugees under agreement with the Office of the United Nations High Commissioner for Refugees or are present in the country as the result of an individual's application for asylum.

### (d) Suggestions and recommendations

662. In the spirit of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 which urged States to withdraw reservations to the Convention on the Rights of the Child, the Committee wishes to encourage the State party to take steps to withdraw its reservations to the Convention. Furthermore, the Committee encourages New Zealand to extend the application of the Convention with respect to the territory of Tokelau.

663. The Committee suggests that the State party prepare and adopt a comprehensive policy statement with respect to the rights of the child, incorporating the principles and provisions of the Convention, that could provide guidance to all those involved in support services delivered or funded by the Government.

664. The Committee recommends that the Government pursue the process of bringing existing legislation into line with the principles and provisions of the Convention. In this regard, the Committee suggests that the minimum age for being charged with very serious criminal offences and for access to employment be reviewed as a matter of priority.

665. While the Committee is encouraged that a review of all government policy, administrative practice and legislation is under way to determine consistency with the Human Rights Act, 1993, the Committee suggests that a separate or complementary review take place, taking into account the principles and provisions of the Convention, of all aspects of government policy, administrative practice and legislation having an impact on children. Furthermore, the Committee suggests that the office of Commissioner for Children be strengthened and that further consideration be given to measures which would give the office increased independence and make it accountable directly to Parliament.

666. The Committee recommends that a further review of the system of data collection be undertaken, giving priority attention to the identification of

appropriate disaggregated indicators, including in the field of complaint registration, with a view to addressing all areas covered by the Convention and all groups of children, particularly the most disadvantaged.

667. The Committee recommends that, with respect to the implementation of article 4 of the Convention, budget allocations be made to the maximum extent of the State party's available resources and priority be given to the realization of the economic, social and cultural rights of children, and that particular attention be paid to children belonging to the most disadvantaged groups. The Committee also suggests that the State party undertake a study on the impact on children and their families of the economic reform process that has been ongoing for the last several years in terms of its impact on government budgetary resources available for support services, as well as on the impact of unemployment and changed conditions of employment on children, young persons and their families. Conclusions from such a study could be a useful starting point for developing a comprehensive strategy for future action.

668. The Committee suggests that a study on the projected needs of single-parent families be made in the light of this increasing trend, and that measures be taken to supplement those already in place to avoid potential negative consequences for these children and their parents in the future.

669. The Committee suggests that the State party continue to give priority to studying the possible causes of youth suicide and the characteristics of those who appear to be most at risk, and take steps as soon as practicable to put in place additional support and intervention programmes, be it in the field of mental health, education, employment or another field, which could reduce this tragic phenomenon. In this regard, the State party may want to call on Governments and experts in other countries which may also have experience in dealing with this problem.

670. The Committee recommends that the State party review legislation with regard to corporal punishment of children within the family in order to effectively ban all forms of physical or mental violence, injury or abuse. It further recommends that appropriate mechanisms be established to ensure the physical and psychological recovery and social reintegration of children victims of such ill-treatment and abuse, in the light of article 39 of the Convention.

671. While noting the efforts made by the Government in the areas of health, education and welfare with regard to the Maori population, the Committee encourages the authorities to pursue and strengthen their programmes and activities to fill the remaining gap between Maori and non-Maori children.

672. The Committee recommends that the policy and law in relation to child labour be reviewed and that the State party consider ratifying International Labour Organization Convention No. 138 on minimum age for admission to employment.

673. The Committee recommends that all refugee children, including asylum seekers coming to New Zealand outside UNHCR-organized schemes, be given the benefit of introduction assistance and Government-delivered or -funded support services.

674. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the publication of the initial report and written replies presented by the State party be considered, along with the relevant summary records and the concluding observations adopted thereon by the

Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including with concerned non-governmental organizations.

## 19. Concluding observations: Cuba

675. The Committee considered the initial report of Cuba (CRC/C/8/Add.30) at its 374th to 376th meetings, on 21 and 22 May 1997 (CRC/C/SR.374-376), and, at its 398th meeting, on 6 June 1997, adopted the following concluding observations.

### (a) Introduction

676. The Committee welcomes the submission of the State party's initial report and the written replies to the Committee's list of questions (CRC/C/Q/CUB.1). The Committee expresses its appreciation to the State party for engaging in an open dialogue and for acknowledging the problems, difficulties and challenges facing the country in implementing the Convention.

### (b) Positive aspects

677. The Committee notes the historic progress the State party has made in providing services for and advancing the well-being of children, especially in the fields of health and education, which are reflected in the country's socio-economic indicators such as its infant mortality rate and teacher-pupil ratio.

678. The Committee notes with satisfaction that a plan of action to attain the goals of the World Summit for Children has been formulated and is being implemented at both the national and municipal levels.

679. Note is taken of the Government's recent initiatives to implement sex education programmes in cooperation with the United Nations Population Fund.

680. The Committee takes note of the importance the State party attaches to the provision of care for the disabled and the priority measures introduced in this area.

681. The Committee also takes note of the willingness of the State party to provide international assistance to victims of emergencies, particularly in the case of 14,000 persons affected by the Chernobyl environmental disaster who received treatment offered by Cuba.

### (c) Factors and difficulties impeding the implementation of the Convention

682. The Committee takes note of the difficulties for the State party in its implementation of the Convention as a result of the dissolution of its traditional economic ties and the intensification of the trade embargo.

### (d) Principal subjects of concern

683. It is the view of the Committee that insufficient steps have been taken to study and review the compatibility of national legislation with the principles and provisions of the Convention, so as to ensure fulfilment of all the rights provided for in the Convention.

684. The Committee is concerned that insufficient steps have been taken to adequately reflect, in the State report, all the rights provided for in the Convention.

685. The Committee is concerned about the sectoral approach adopted by existing mechanisms monitoring the implementation of the Convention and their ineffectiveness in reflecting the holistic approach essential to a comprehensive implementation of the Convention.

686. The Committee is further concerned about the lack of an independent mechanism, such as an ombudsperson, accessible to children to deal with complaints of the violation of their rights and to provide remedies for such violations.

687. The Committee draws the attention of the State party to certain lacunae in the statistical and other information collected by the State party, including with respect to the choice and development of indicators to monitor the implementation of the principles and provisions of the Convention. From information provided in the State party's report, the Committee notes that in certain instances statistics on the situation of children are being collected only for children up to the age of 15.

688. The Committee is concerned about the inadequacy of measures taken to incorporate education about the principles and provisions of the Convention fully into the training given to professionals working with and for children, including judges, lawyers, law enforcement personnel, teachers, social welfare officers, doctors and other health professionals, as well as personnel working in child-care institutions and officials of the central and local administrations.

689. The Committee is concerned about the failure to provide for a minimum age for sexual consent and the absence of harmonization between the age for the completion of compulsory schooling and the minimum age for employment.

690. The Committee is of the view that insufficient measures have been taken to ensure the implementation of the general principles of the Convention in policy, practice and procedures, especially with regard to article 3 (the best interests of the child) and article 12 (respect for the views of the child). The Committee is of the view that the measures taken to ensure respect for the views of the child, in the family and social life, as well as in the context of administrative, social welfare and other procedures affecting and applying to them, are insufficient.

691. The Committee regrets the insufficiency of information provided on the implementation of the civil rights and freedoms of children.

692. It is the view of the Committee that the apparent absence of independent mechanisms for monitoring the situation of children in institutions is a matter of concern.

693. While the Committee takes note of the State party's efforts to deal with the issue of child abuse, including through the establishment of an early warning system for violence against children, it is of the view that these measures are insufficient to fully protect children from such violations. Furthermore, serious concern remains in relation to a child's opportunity to report abuse and other violations of his or her rights in the family, schools or

other institutions and to have a complaint taken seriously and responded to effectively.

694. The Committee is also concerned about issues relating to children who exhibit anti-social behaviour, namely, an increase in the number of children with behavioural problems and the adequacy of existing mechanisms to address their problems effectively.

695. The Committee notes with concern that obstacles remain to the effective implementation of the family planning and education programmes in the country, particularly in view of the lack of quality materials and services available in Cuba.

696. The Committee has noted that, while there is an absence of statistics relating to the incidence of school drop-out, available statistics reveal a decline in the number of children enrolled in secondary education and a reduction in the availability of scholarships for children to continue their education.

697. With regard to the issues of drug abuse and trafficking, child labour, child prostitution and suicide, the Committee takes note of the information provided by the State party that cases involving children are few and isolated. Nonetheless, it wishes to express its concern that, in the light of the considerable social and economic problems facing the country, insufficient efforts are being made by the State party to devise preventive strategies to ensure that such problems do not become more prevalent, thereby endangering future generations of children.

698. It is also a matter of concern to the Committee that some issues relating to the system of juvenile justice were not fully addressed, including on the compatibility of the juvenile justice system with the principles and provisions of the Convention, especially in relation to the protection afforded to children aged 16 to 18 years and the detention of children with adults.

### (e) Suggestions and recommendations

699. In the spirit of the Vienna Declaration and Programme of Action of 1993 and in the light of the discussion in the Committee, the Committee recommends that the State party consider the possibility of reviewing the declaration it made on the Convention with a view to its withdrawal.

700. The Committee encourages the State party to undertake a review of its national legislation in order to ensure its full compatibility with the principles and provisions of the Convention and that the whole range of rights provided for in the Convention find expression in domestic legislation, policy and actions.

701. The Committee encourages the State party in its efforts to consider becoming a party to related human rights instruments, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and the Convention relating to the Status of Refugees of 1951.

702. The State party is urged to take action to strengthen the capacity of the country's monitoring and coordinating mechanisms concerning the rights of the child with the aim of ensuring a holistic approach to the implementation of the Convention and raising the political visibility of issues relating to children.

703. In the light of the Committee's view that further efforts are required to ensure that the Convention is used as a political tool and a framework for action on behalf of children, the Committee recommends that future national and local programmes of action on children incorporate policies, programmes, aims and goals reflecting the principles and provisions of the Convention.

704. In accordance with the principles and provisions of the Convention, the Committee suggests that the State party consider introducing systems, within the framework of international cooperation, which provide for the collection, compilation and analysis of data concerning children up to the age of 18, including information on the violations of the rights of the child, disaggregated, inter alia, by gender and location.

705. It is further recommended that education about the principles and provisions of the Convention be included in the training of professionals working with and for children such as doctors, health and social welfare personnel, judges, law enforcement personnel, lawyers, teachers, personnel working in child-care institutions and officials of the central and local administrations.

706. In accordance with the Convention, the Committee recommends the harmonization of legislation, including with respect to the age of completion of compulsory schooling and the minimum age for employment.

707. The Committee recommends that further measures be taken to ensure the effective implementation of the general principles of the Convention, notably non-discrimination, best interests of the child and respect for the views of the child. Thus, these principles should constitute the framework for the design and implementation of policy in all actions concerning children whether undertaken by social welfare institutions, administrative authorities or legislative bodies.

708. The Committee encourages the State party to pursue the efforts required to ensure a holistic approach to the implementation of the Convention, which reaffirms that the rights of the child are indivisible, interdependent and interrelated and that the rights of the child should be addressed in an integrated manner. In this regard, the Committee recommends that special attention be accorded to the implementation of the civil rights and freedoms of children.

709. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment and bullying of children, whether by adults or by other children.

710. In relation to the State party's strategy for dealing with accidents affecting children, the Committee suggests that the State party consider focusing even greater efforts on preventive measures.

711. The Committee recommends that further resources and assistance be devoted to activities in the area of family planning and health education programmes, with a view to addressing the problem of teenage or unwanted pregnancies and changing male sexual behaviour. Issues relating to the incidence and treatment of children infected with or affected by HIV/AIDS and sexually transmitted diseases and to reducing the apparent recourse to abortion as a method of family planning should also be the focus of programmatic actions. It is also

recommended that major efforts be undertaken to broaden the coverage of reproductive health educational programmes beyond married couples.

712. The Committee is of the view that the State party should review, as a matter of urgency, the minimum legal age of sexual consent with a view to raising it.

713. The Committee recommends that further psychosocial measures be taken to prevent and control the debilitating effects of behavioural problems affecting children.

714. With respect to the implementation of articles 28 and 32 of the Convention, the Committee recommends that further measures be taken to implement the recommendations of the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations with respect to the obligations arising from International Labour Organization Convention No. 79, which provides for a period of rest at night of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., for young persons under the age of 18. The Committee also suggests that additional efforts be undertaken to monitor more closely the implementation of articles 28 and 32 of the Convention, including through the development and use of selected indicators to track trends in such matters as the drop-out rate from school and the entry of children into the informal labour market.

715. While the Committee notes that begging, drug abuse and trafficking and child prostitution are not major problems in the country at present, the Committee recommends that the Government monitor these issues closely with a view to their early detection.

716. The Committee further recommends that the Criminal Code provide for the protection of children up to the age of 18 from sexual exploitation. The Committee also recommends that further measures be taken in order to address matters relating to the sexual exploitation of children, particularly through tourism, taking into account the recommendations adopted at the World Congress against the Commercial Sexual Exploitation of Children, held in Stockholm.

717. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and the written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the National Assembly and the general public.

718. The Committee would appreciate receiving from the State party, in writing, further information on the questions and issues raised during the discussion that were not fully answered or clarified, including with respect to matters relating to the right of the child to family reunification.

## 20. Concluding observations: Ghana

719. The Committee considered the initial report of Ghana (CRC/C/3/Add.39) at its 377th to 379th meetings, on 22 and 23 May 1997 (CRC/C/SR.377-379), and, at its 398th meeting, on 6 June 1997, adopted the following concluding observations.

### (a) Introduction

720. The Committee welcomes the initial report and the written answers to the list of issues (CRC/C/Q/GHA/1) submitted by the State party. The Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

### (b) Positive aspects

721. The Committee notes the establishment in 1979 of the Ghana National Commission on Children. It also welcomes the adoption of a National Plan of Action, which has been incorporated into the National Development Policy Framework.

722. The Committee notes with appreciation that the State party promulgated a new Constitution in 1992, which includes specific provisions relating to children's rights. It also notes that the State party, through a multisectoral committee, in 1995, engaged in a comprehensive law reform process to ensure full compatibility between national laws and the Convention on the Rights of the Child.

723. The Committee welcomes the establishment in 1992 of the Commission on Human Rights and Administrative Justice, which is also involved in the protection of the human rights of children.

### (c) Factors and difficulties impeding the implementation of the Convention

724. The Committee recognizes the economic difficulties faced by the State party, especially the constraint posed by its structural adjustment programme. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

### (d) Principal subjects of concern

725. While taking note of the measures taken in the field of law reform, including the intention to adopt a children's act, the Committee notes with concern that currently several provisions of the law are incompatible with the provisions and principles of the Convention, especially in the fields of civil rights, adoption and juvenile justice. The Committee also remains concerned about the conflict between customary law and the principles and provisions of the Convention in some areas such as marriage.

726. The Committee notes with satisfaction the existence of government bodies dealing with the welfare of children at the national and local levels; it nevertheless expresses its concern that there is insufficient coordination between them to develop a comprehensive approach to the implementation of the Convention.

727. While acknowledging the work undertaken by the Ghana National Commission on Children, the Committee is concerned about its weak institutional and financial status.

728. The Committee is concerned at the lack of a systematic mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially during the current process of decentralization. The Committee is also concerned about the State party's limited capacity to collect and process data, as well as develop specific indicators to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

729. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the absence of policies and measures to fully guarantee economic, social and cultural rights of children "to the maximum extent of available resources".

730. In the light of article 2 of the Convention, the Committee remains concerned about the persistence of discriminatory attitudes against some groups of children, especially girls and children with disabilities, as well as children living in rural areas, which often results in limited access to basic social facilities such as health and education.

731. Concern is expressed by the Committee at the insufficient measures taken to ensure the effective implementation of the general principles (arts. 2, 3, 6 and 12) of the Convention on the Rights of the Child in relation to legal, judicial and administrative decisions, as well as to the political decision-making process.

732. The Committee expresses its concern at the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike. It is also concerned at the lack of sufficient training for professional groups working with or for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of central and local administrations and personnel of child-care institutions.

733. In relation to article 7 of the Convention, the Committee is concerned that in many rural areas regulations on birth registration are not fully implemented and that children who are not registered may be seriously disadvantaged in the enjoyment of their rights.

734. The Committee is deeply concerned at the institutionalized use of corporal punishment as a means of discipline, particularly in schools, as well as at the absence of a comprehensive law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children.

735. In the light of article 17 of the Convention, the Committee notes with concern that no mechanism exists to protect children from being exposed to harmful information, including pornography.

736. The Committee further notes with concern the inadequacy of existing laws in protecting children who are "adopted" - a situation which has led to abuses, particularly of girls, such as exploitation through domestic labour.

737. The Committee is also concerned at the increase in the number of children living and/or working on the street in major cities. It is also worried about the violence that is often directed against them. The Committee is further concerned at the lack of statistical data and studies on such children.

738. The Committee is concerned at the persistence of malnutrition and the apparent difficulty in reversing this negative trend. It is also worried about the rapid spread of HIV/AIDS throughout the country and its devastating impact on children.

739. The Committee remains concerned at the persistence of traditional attitudes and harmful practices, such as female genital mutilation, early marriages, teenage pregnancies and *trokosi* (ritual enslavement of girls).

740. With regard to the right to education (arts. 28 and 29), while noting that the principle of free, universal and compulsory basic education for all children is recognized by the State party, the Committee is concerned that this fundamental right is not yet fully and equally implemented throughout the country. Furthermore, the Committee is concerned about the low level of school enrolment and the high drop-out rates, especially among girls, the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas.

741. In the light of articles 2, 3 and 22 of the Convention, the Committee is concerned about the difficulties encountered by refugee children in securing access to basic education, health and social services.

742. The Committee is concerned about the insufficiency of legal and other measures to prevent and combat economic exploitation of children adequately, especially in the informal sector.

743. The Committee is concerned at the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon.

744. The Committee is concerned at the absence of information and data concerning sexual abuse and exploitation, including in the family. In this regard, it is also worried about the fact that children aged between 14 and 18 years do not benefit from appropriate legal and social protection measures.

745. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern. The Committee remains particularly concerned about, *inter alia*, violations of the rights of the child in detention centres, the low age (seven years old) for criminal responsibility and the inadequacy of existing alternative measures to imprisonment.

### (e) *Suggestions and recommendations*

746. The Committee recommends that the comprehensive law on the protection of the child currently being drafted should be in conformity with the principles and provisions of the Convention and that it be finalized and adopted in the near future.

747. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, it

recommends that the role and resources of the Ghana National Commission on Children be reinforced within as well as outside the government sphere. It encourages the State party to further cooperate closely with non-governmental organizations. Furthermore, the Committee encourages the State party to ratify in the near future other major international human rights treaties, inter alia, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

748. The Committee also recommends that the State party give priority attention to the development of a system of data collection and analysis, as well as to the identification of appropriate disaggregated indicators, with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children with disabilities, the girl child, children ill-treated and abused within the family and in other institutions, children deprived of liberty, children who are victims of sexual exploitation, refugee children and children living and/or working on the street. It is further suggested that the State party request international cooperation in this regard.

749. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children, particularly the most disadvantaged. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting continue to be fully involved in the activities of the Ghana National Commission on Children, with a view to ensuring that their decisions have a direct and positive impact on the budget.

750. The Committee further recommends that all appropriate measures, including public information campaigns, be undertaken to prevent and combat all forms of discrimination against girls and children with disabilities, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

751. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the best interests of the child (art. 3) and the participation of children (art. 12), not only guide policy discussions and formulation and decision-making, but also are appropriately integrated into any judicial and administrative decisions, as well as in the development and implementation of all projects and programmes which have an impact on children.

752. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the curricula of all educational institutions and appropriate measures should be taken to facilitate access by children to information concerning their rights. The Committee also suggests that the State party further direct efforts to the provision of comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of central and local administrations and personnel of child-care institutions.

753. In the light of article 7 of the Convention, the Committee recommends that special efforts be directed to the development of an effective system of birth registration, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention.

754. In the light of articles 3, 19 and 28, paragraph 2, the Committee strongly recommends that corporal punishment be prohibited by law and that references to disciplinary measures using physical force, such as caning, be withdrawn from the Teachers Handbook. It further recommends that authorities develop and implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child.

755. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media as well as in media using new technologies.

756. With a view to fully protecting the rights of adopted children, the Committee recommends that the State party review its adoption laws in the light of article 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

757. The Committee encourages the State party to undertake to prevent and combat the phenomenon of children working and/or living on the street by, inter alia, engaging in research and collection of data, promoting integration and vocational training programmes, as well as guaranteeing equal access to health and social services.

758. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat malnutrition.

759. The Committee suggests that the Government strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmitted diseases, as well as discriminatory attitudes towards children affected by or infected with HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health programmes, including for adolescents.

760. The Committee shares the view of the State party that serious efforts are required to address harmful traditional practices such as early marriage, female genital mutilation and trokosi. The Committee recommends that all legislation be reviewed to ensure its full compatibility with children's rights and that public campaigns involving all sectors of society be developed and pursued with a view to changing attitudes. All appropriate action in this regard should be taken on a priority basis.

761. In accordance with article 28 (a) of the Convention, the Committee encourages the State party in its efforts to make primary education free, compulsory and available to all. It also encourages the Government to implement measures to improve school enrolment and pupil retention, especially of girls. A system for the regular evaluation of the effectiveness of these and other educational measures, including of the quality of teaching, must be ensured. Further steps should be taken to develop guidelines for the participation of all children in the life of the school, in conformity with the principles and

provisions of the Convention. In addition, the Committee recommends that, in the light of the provisions of article 29 of the Convention and the United Nations Decade for Human Rights Education, the State party incorporate education on the rights of the child in school curricula. The State party may wish to consider requesting further international cooperation for the implementation of the measures identified for the application of the provisions of articles 28 and 29 of the Convention.

762. In the spirit of articles 2, 3 and 22 of the Convention, the Committee recommends that the State party make all appropriate efforts to ensure easy and full access to basic services, including education, health and social services, to all children living under its jurisdiction.

763. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws in order to protect children from being economically exploited. It further suggests that the authorities adopt explicit legislation and measures to protect children from exploitation through child labour in the informal sector. In addition, the Committee suggests that the State party consider the ratification of International Labour Organization Convention No. 138 on minimum age for employment.

764. The Committee recommends that the authorities take all appropriate measures to prevent and combat drug and substance abuse among children, such as public information campaigns, including in schools. It also encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from competent international organizations, such as the World Health Organization.

765. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party engage in studies with a view to designing and implementing appropriate policies and measures, including in the area of rehabilitation, to combat this phenomenon comprehensively and effectively. The Committee wishes in this regard to draw the attention of the State party to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

766. The Committee recommends that the State party consider undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, to raising the minimum age of criminal responsibility and to improving the quality and adequacy of alternative measures to imprisonment. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

767. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by

the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 21. Concluding observations: Bangladesh

768. The Committee considered the initial report (CRC/C/3/Add.38) and the supplementary report (CRC/C/3/Add.49) of Bangladesh at its 380th to 382nd meetings, on 26 and 27 May 1997 (CRC/C/SR.380-382), and, at its 398th meeting, on 6 June 1997, adopted the following concluding observations.

### (a) Introduction

769. The Committee expresses its appreciation to the Government of Bangladesh for the submission of its initial report and its written information in reply to the questions set forth in the list of issues (CRC/C/Q/Ban.1). The additional information provided by the delegation of Bangladesh and the constructive and fruitful dialogue with the Committee are welcomed.

### (b) Positive aspects

770. The Committee welcomes the establishment of a Ministry of Women and Children's Affairs in 1994. It also notes with appreciation the adoption of a National Policy for Children, as well as the establishment of the National Children's Council in August 1995. In the area of legislative reform, it notes the adoption of a plan of action to create task forces on law reform, juvenile justice and the girl child. The adoption in 1995 of the Repression against Women and Children (Special Provision) Act and the active participation of Bangladesh in the South Asian Association for Regional Cooperation Decade of the Girl Child are also welcomed.

771. The Committee notes with appreciation the openness of the State party to international cooperation to foster effective implementation of the Convention, as illustrated by the memorandum of understanding between the United Nations Children's Fund, the International Labour Organization, the Bangladesh Garment Manufacturers and Exporters Association and the Government of Bangladesh, as well as cooperation with other international institutions in different areas.

772. The Committee also welcomes the constructive relationship between the non-governmental organization community and the Government, at both the national and local levels, in monitoring and implementing the rights of the child. In this connection, it notes that consultations took place between the Government and non-governmental organizations in the process of preparing the initial report.

773. The Committee welcomes the recent law establishing the post of ombudsperson, as well as the fact that a national human rights commission is being set up.

774. The Committee also welcomes the fact that the amount of resources allocated to social expenditures has been increased since the ratification of the Convention by Bangladesh. It notes in particular that an increasing proportion

of resources has been devoted to the development of a primary health-care network, the provision of safe water supplies and sanitation and to disease control.

775. The Committee acknowledges the progress made by the State party in significantly reducing the child mortality rate over the past decade and improving access to basic education. It also notes the positive steps taken in the area of family planning programmes.

### (c) Factors and difficulties impeding the implementation of the Convention

776. The Committee notes that Bangladesh is one of the poorest countries in the world; a large percentage of the vast population is young and lives below the poverty level.

777. The Committee also notes that natural disasters and structural adjustment have had a negative impact on the situation of children. It is further noted that the persistence of certain traditional practices and customs has had a negative influence on the enjoyment by some children of their rights under the Convention.

### (d) Principal subjects of concern

778. While acknowledging the openness of the State party towards the possibility of reviewing its reservations to articles 14, paragraph 1, and 21 of the Convention, the Committee remains concerned that these reservations might impede the full implementation of the Convention.

779. The Committee is concerned about the unclear status of the Convention in the domestic legal framework and the insufficient steps taken to bring existing legislation into full conformity with the Convention, including in the light of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12). It is deeply concerned at the lack of conformity between existing legislative provisions and the Convention with respect to the various age limits set by law, the lack of a definition of the child, the age of criminal responsibility, which is set at too young an age, the possibility of imposing the death penalty, and/or imprisonment of children 16 to 18 years of age in ordinary prisons. The Committee also notes that, as recognized in the State party's supplementary report, many laws are inadequately enforced and that most children's lives are governed by family customs and religious law rather than by State law.

780. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention, and remains concerned at the lack of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child-care institutions and police officers.

781. While recognizing the efforts undertaken by the State party in the collection of data and information on the status of children, the Committee is concerned that insufficient attention has been given to establishing an effective integrated system of data collection covering all children. It expresses concern, in this regard, that the National Policy for Children only

covers children up to the age of 14. It is also concerned that no comprehensive monitoring and coordinating mechanism for all areas covered by the Convention and in relation to all groups of children has yet been established.

782. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education. The Committee also notes the persistence of harmful practices such as dowry and early marriage. Discriminatory attitudes towards children born out of wedlock, children who are living and/or working on the street, child victims of sexual exploitation, children with disabilities, refugee children and children belonging to tribal minorities are also a matter of concern.

783. The Committee expresses concern regarding the implementation of article 12 of the Convention, noting that the views of the child are not sufficiently taken into account, especially within the family, the school and the juvenile justice system.

784. The Committee is concerned that the births of most children in the State party are not registered. Failure to register can have negative consequences on the full enjoyment of fundamental rights and freedoms by children.

785. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the lack of awareness and information on this matter. The persistence of corporal punishment and its acceptance by the society and instances of violence committed by law enforcement officials against abandoned or "vagrant" children are matters of serious concern.

786. The inadequate measures to assist parents in fulfilling their common child-rearing responsibilities and the lack of assistance or child support for many children living in single-parent families or other particularly vulnerable children are matters of concern. The Committee is also concerned at the inadequate provision in legislation and practice for alternative care for children deprived of a proper family environment.

787. The Committee is concerned at the high maternal mortality rates, lack of access to prenatal care and, more generally, limited access to public health-care facilities. The lack of a national policy to ensure the rights of children with disabilities is also noted. The Committee is also concerned at the absence of programmes addressing the mental health of children and their families.

788. Malnutrition continues to seriously hamper the survival and development of children in the State party, which has one of the highest rates of malnourished children in the world and where calorie intake has decreased over the past decades, resulting in a higher incidence of stunting and wasting.

789. While recognizing efforts to improve the situation of education, including the introduction of compulsory education for children aged 6 to 10, and measures to encourage girls to attend school, the Committee nonetheless remains concerned at the low level of school enrolment and the high drop-out rates, at the very high child/teacher ratios and the shortage of trained teachers.

790. With regard to the implementation of article 22 of the Convention, the Committee remains concerned at the weak legal protection and lack of adequate

procedures for refugee children. It is also concerned at difficulties they encounter in securing access to educational and health facilities and at difficulties in ensuring family reunification.

791. The Committee is concerned about the large number of children who are working, including in rural areas, as domestic servants, as well as in other areas of the informal sector. It is concerned that many such children work in hazardous and harmful conditions, and are often vulnerable to sexual abuse and exploitation. The Committee is also seriously concerned about the occurrence of trafficking and sale of children. Lack of enforcement and failure to implement existing legislation at all levels, from law enforcement agencies to the judiciary, need to be addressed.

792. The Committee is concerned that the State party has failed to take measures to promote the child's right to leisure, recreation and cultural activities (art. 31).

793. The situation in relation to the administration of juvenile justice, and its incompatibility with articles 37, 39 and 40 of the Convention and other relevant international standards, is a matter of concern to the Committee. Specifically, the Committee is concerned about the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16 to 18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children and the solitary confinement and ill-treatment of children by the police.

794. Finally, as regards the implementation of article 30 of the Convention, the Committee is concerned that inadequate measures have been taken to ensure the protection and promotion of the rights of children belonging to minorities, including children from the Hill Tracts.

### (e) Suggestions and recommendations

795. In the light of the Vienna Declaration and Programme of Action, the Committee encourages the State party to further review its reservations to articles 14, paragraph 1, and 21 of the Convention, with a view to their withdrawal. The Committee is of the opinion that, in the light of the proposed reforms to national legislation, the reservations may not be necessary.

796. The Committee recommends that the State party pursue its efforts to ensure full compatibility of its national legislation with the Convention, taking due account of the general principles as contained in articles 2, 3, 6 and 12 and the concerns expressed by the Committee. Furthermore, the State party should develop a national policy on children and an integrated legal approach to child rights.

797. The Committee encourages the State party to pursue its efforts to promote human rights education in the country in general and create a wider awareness and understanding of the principles and provisions of the Convention. It recommends that a systematic information campaign on the Convention be launched for children and adults alike. The Convention should be incorporated in the curricula of all educational institutions, and present initiatives to reach those vulnerable groups who are illiterate or without formal education should be pursued and further strengthened, with the cooperation of the United Nations Children's Fund and other organizations active in this field. The State party

should also promote a comprehensive training programme policy for professional groups working with and for children.

798. The Committee recommends that the State party consider acceding to other international human rights instruments, including the two International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

799. The Committee further recommends that the State party undertake to gather all necessary information on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including the most vulnerable. The National Policy on Children should be adjusted in order to cover all children, including children 14 to 18 years of age.

800. The Committee also suggests that a multidisciplinary monitoring and coordinating system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the national and local levels, paying particular attention to the adverse effects of economic policies on children.

801. With respect to article 4 of the Convention, the Committee, while noting efforts made in allocating resources to the social sector, is of the view that greater budgetary provisions need to be made to overcome and remedy existing disparities and develop, with the assistance of international cooperation, a comprehensive strategy for children, taking due account of the best interests of the child.

802. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize society to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

803. The Committee wishes to encourage the State party to promote and facilitate children's participation and respect for their views in decisions affecting them, especially in the family, at school and in the judicial and administrative procedures, in the light of articles 12, 13 and 15 of the Convention.

804. The Committee recommends that further measures be taken to ensure the registration of the birth of all children, in cooperation with non-governmental organizations and with the support of international organizations.

805. The Committee recommends that the State party develop public awareness campaigns and measures to provide appropriate assistance to families in carrying out their child-rearing responsibilities, with a view, inter alia, to preventing domestic violence, prohibiting corporal punishment and preventing early marriages and other harmful traditional practices.

806. Additional measures are needed to combat violence against and abuse of children, including sexual abuse. Programmes for the rehabilitation and reintegration of traumatized children need to be developed and adequate procedures and mechanisms devised to deal with complaints of both physical and psychological ill-treatment. Allegations of violations of children's rights should be investigated and prosecuted.

807. The Committee recommends that the State party consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions.

808. Further steps should be taken in the area of health and welfare services. In particular, concerted efforts are needed to combat malnutrition and ensure the implementation of a national nutritional policy for children.

809. Efforts are also required for the treatment of children with disabilities and their prevention, and to raise awareness about the need to facilitate the active participation of such children in the community, in the light of article 23 of the Convention. The Committee also encourages the State party to pursue efforts to ensure the implementation of integrated mental health programmes and approaches and to make available the necessary resources and assistance for these activities.

810. In the area of education, the Committee suggests that further steps be taken to ensure the implementation of articles 28 and 29. The Committee urges that greater efforts be directed to training teachers, improving the school environment, increasing enrolment and fighting school drop-out.

811. As a means of tackling the integrated issues of education and child labour, including in the informal sector, the Committee recommends that effective information campaigns be carried out to prevent and eliminate child labour, and that the present cooperation between the State party, international organizations such as the International Labour Organization and the United Nations Children's Fund and non-governmental organizations be expanded. Regulations to prevent child labour should be enforced, complaints investigated and severe penalties imposed for violations. Efforts to provide opportunities for education and leisure to child workers and children working and/or living on the street should be strengthened. It is also suggested that the State party consider ratifying International Labour Organization Convention No. 138 concerning the minimum age for employment.

812. The Committee recommends that the State party ensure adequate protection of refugee children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. The State party may consider seeking assistance from the Office of the United Nations High Commissioner for Refugees in this regard.

813. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued in connection with the very young age of criminal responsibility (seven years), the lack of adequate protection for children aged 16 to 18, grounds for arrest and detention of children that can include prostitution, "vagrancy" or "uncontrollable behaviour", the possibility of imposing heavy sentences on children, and the solitary confinement and ill-treatment of children by the police. In this reform the State party should take fully into account the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party avail itself of the technical assistance programmes of the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

814. The Committee encourages the State party to take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and to

ensure their physical and psychological recovery and social reintegration, in the light of article 39 of the Convention. Bilateral and regional cooperation should be reinforced to prevent and combat the serious problem of trafficking of children.

815. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 22. Concluding observations: Paraguay

816. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.17) at its 167th and 168th meetings, on 4 and 5 October 1994 (CRC/C/SR.167-168). At its 183rd meeting, on 14 October 1994, the Committee adopted preliminary observations (CRC/C/15/Add.27), and requested further information from the State party based on its written list of issues (CRC/C.7/WP.2), and questions and concerns raised orally with the delegation. The State party submitted the additional information requested by the Committee (CRC/C/3/Add.47), which was considered at the 385th meeting held on 28 May 1997 (CRC/C/SR.385). At its 398th meeting, on 6 June 1997, the Committee adopted the following concluding observations.

### (a) Introduction

817. The Committee expresses its appreciation to the State party for the submission of its initial report, the additional information subsequently supplied and the State party's willingness to engage in an open dialogue with the Committee in both October 1994 and May 1997. The written answers to the Committee's list of issues (CRC/C.7/WP.2), as well as the response of the delegation to oral questions and concerns expressed during the examination of the initial report, allowed the Committee to have a useful and constructive discussion with the State party.

### (b) Positive factors

818. The Committee takes note of the provision of the 1992 Constitution that not less than 20 per cent of the national budget must be devoted to education, and welcomes the steps taken by the State party to make education available throughout the country through an ambitious school-building programme and its efforts to improve the quality of education. In this regard, the Committee views efforts by the State party to reduce the very high drop-out rate by grade six as an important component of a strategy to limit phenomena such as child labour and children working and/or living on the street. The Committee further welcomes the provision in the 1992 Constitution that in the early years of schooling teaching shall be in the student's native language, the provision of instruction in both Spanish and Guaraní, and the measures that have been adopted under the Strategic Educational Reform Plan (Paraguay 2020) to address the problems faced by Guaraní-speaking children in basic education.

819. The Committee welcomes the priority being given by the State party to health, in particular health care for children, including efforts to reduce child mortality, facilitate breastfeeding, support nutrition programmes and increase access to clean drinking water.

820. The Committee also welcomes steps that have been taken to reinforce the independence of the judiciary and the judicial apparatus concerned with legal issues relating to children and juveniles.

821. The Committee views positively the technical cooperation programme provided to the State party through a joint programme supported by the United Nations High Commissioner/Centre for Human Rights and the United Nations Development Programme, as well as the support provided by the United Nations Children's Fund for various programmes to benefit children in Paraguay.

### (c) Factors and difficulties impeding the implementation of the Convention

822. The Committee notes that the State party is still going through a period of transition to democracy. The Committee recognizes that the legacy of certain authoritarian attitudes hampers the effective implementation of the rights of the child, and that Paraguay inherited a public infrastructure which did not give priority to education, health or social welfare institutions. The Committee acknowledges that the existing inadequacies of the public service and the high rate of population growth impede the full achievement and enjoyment of the rights recognized in the Convention.

### (d) Principal subjects of concern

823. While acknowledging the efforts undertaken by the State party to adopt a new juvenile code for improving protection and promotion of the rights of the child, the Committee is concerned that since 1991 several draft bills have been prepared but none has yet been adopted.

824. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating mechanism to monitor the implementation of the rights of the child in the State party. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the support and resources they will need to fulfil their designated functions.

825. The Committee is concerned about the need to strengthen the State party's limited capacity to collect and process data, as well as to monitor specific indicators to evaluate progress achieved and to assess the impact of existing policies on children, in particular the most vulnerable children.

826. The Committee remains concerned that the present approaches to the implementation of the rights of the child in the State party do not sufficiently encourage and strengthen popular participation and public scrutiny of government policies.

827. The Committee is of the view that, in spite of the fact that some measures have been taken to make the principles and provisions of the Convention known to adults and children alike (for example, by portraying the Convention in cartoon form in both official languages to facilitate its understanding by young children), efforts in this regard need to be continued and intensified.

828. The Committee is also concerned that persons working with and for children, including judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of the national and local administrations and personnel of child-care institutions, lack sufficient knowledge about the Convention and other relevant international instruments relating to the rights of the child.

829. The Committee wishes to express its concern that the principles and provisions of the Convention, especially its general principles, as reflected in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), have not yet been fully taken into account in legislative and other measures relevant to children.

830. Within the framework of the implementation of article 4 of the Convention, relating to the allocation of resources to the maximum extent possible, the Committee is concerned that the national and local-level budgets have allocated insufficient funds to the social sector, especially with regard to the ability to respond effectively to the situation of the most vulnerable children.

831. The Committee is concerned that some sectors of Paraguayan society are not yet sufficiently sensitive to the needs and situation of the girl child. It also notes that discrimination against minority and indigenous children persists, contrary to the provisions of article 2 of the Convention.

832. While the Committee welcomes the official policy of the State party that no person under 18 can be recruited for military service or serve, even with parental authorization, it is concerned that in practice this policy is not always enforced and that there are still under-age juveniles coerced or pressured into military service.

833. The Committee is concerned that inadequate measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring registration of births, especially among the indigenous population, and that children are not systematically provided with the necessary birth certificates and other documents to protect and preserve their identity.

834. The Committee is concerned at the large number of children who are not acknowledged by their fathers and the inadequate measures taken to force fathers to be responsible for the welfare of their children.

835. The Committee expresses its concern that although the State party has imposed a provisional moratorium on intercountry adoptions pending the approval of legislation on this subject, no law has yet been passed; it is gravely concerned at alleged trafficking in children in violation of the provisions and principles of the Convention, particularly articles 3, 21 and 35.

836. The Committee notes that the social and economic disadvantages faced by children, in particular those living in rural and certain urban areas, have led to various forms of exploitation of those children, including their placement as domestic servants in wealthier families, thus exposing them to ill-treatment and abuse, including sexual abuse in some cases.

837. While welcoming the priority given by the State party to health, the Committee expresses its concern about the high rates of infant and child mortality, malnutrition and infectious diseases, as well as the unresolved difficulties in providing country-wide maternal and child health services.

838. The Committee is concerned at the absence of large-scale public campaigns for the prevention of unwanted pregnancies, sexually transmitted diseases and HIV/AIDS, especially for children and adolescents. It is also concerned about the lack of sufficient reproductive health information and services for adolescents.

839. The Committee is concerned that adequate measures have not yet been taken to fully guarantee in practice the right of indigenous students to education in their native language, Guaraní.

840. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures to tackle this issue.

841. The Committee also expresses its concern at the prevalence of prostitution among children and adolescents.

842. The Committee is concerned that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

843. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee remains particularly concerned, inter alia, about alleged ill-treatment of children in detention centres. The Committee is also gravely concerned that a significant percentage of juveniles are deprived of their liberty for extended periods without being charged or brought to trial. It is also concerned that in at least one major detention centre, persons who have been convicted and those awaiting trial are not housed separately.

### (e) Suggestions and recommendations

844. The Committee recommends that the comprehensive new juvenile code currently being drafted be in conformity with the principles and provisions of the Convention and encourages the State party to finalize and adopt it in the near future.

845. The Committee recommends that the State party strengthen coordination between the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee also encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

846. The Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations.

847. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, evaluating progress achieved and difficulties hampering the realization of children's

rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children with disabilities, the girl child, children ill-treated and abused within the family, in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the street. It is further suggested that the State party request international cooperation in this regard.

848. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to incorporating the Convention in the curricula of all educational institutions and appropriate measures should be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts towards providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions.

849. The Committee recommends that the State party take fully into account the general principles of the Convention (arts. 2, 3, 6 and 12) in its legislation, particularly in its new juvenile code, and in its policies and programmes.

850. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by all children, including the most disadvantaged. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting be fully involved in the activities of governmental bodies and institutions dealing with children's issues, with a view to ensuring that their decisions have a direct and positive impact on the budget.

851. The Committee encourages the State party to enforce rigorously legislation on the minimum age for recruitment into the military.

852. The Committee further recommends that all appropriate measures be taken, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view, *inter alia*, to promoting their access to basic services.

853. The Committee recommends that the State party take all appropriate legislative, administrative and other measures to ensure registration of birth, especially in minority and indigenous communities and communities in remote areas. The Committee further recommends that the State party institute awareness-raising campaigns among the public, as well as among civil servants.

854. In the spirit of articles 18 and 24, paragraph 2 (f), of the Convention, the Committee recommends that the State party promote parent education and family counselling and take measures to ensure adherence to the principle that both parents have common responsibilities for the upbringing of children.

855. Following the Government's national campaign to prevent abuse and ill-treatment of children, the Committee suggests that the State party continue to

raise awareness about this issue and systematically monitor all types of child abuse, including in institutions.

856. In the light of article 21 of the Convention, the Committee strongly recommends that the State party enact legislation on adoption that is in conformity with the principles and provisions of the Convention.

857. While welcoming the recent ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Committee encourages the State party to take appropriate action to ensure the entry into force of this Convention.

858. The Committee recommends that the State party take adequate measures, including through awareness-raising campaigns, to prevent the abandonment of children and to protect poor single mothers from illegal networks of child traffickers.

859. The Committee recommends that the State party take all appropriate measures to combat the phenomenon of children working and/or living on the street. Pupil retention programmes and vocational training for drop-outs should be encouraged. The Committee also recommends that the authorities provide special training to law enforcement personnel to prevent the stigmatization, abuse and ill-treatment of these children. Furthermore, the Committee encourages the State party to consider ratification of International Labour Organization Convention No. 138 concerning the minimum age for employment.

860. The Committee suggests that the State party consider seeking technical assistance to continue to improve its efforts to make primary health care accessible to all children and develop a comprehensive strategy and programmes for mother and child health care. The Committee further suggests that the State party promote adolescent health by strengthening reproductive health and family planning services to prevent and combat HIV/AIDS, other sexually transmitted diseases and teenage pregnancy.

861. The Committee recommends that the authorities take all appropriate measures to guarantee the full implementation of the right of the child to be educated in his or her own language.

862. With a view to preventing and combating sexual abuse and exploitation of children, in particular prostitution, the Committee recommends that the State party take all appropriate measures, including the adoption of relevant legislation and the formulation of a national policy, and suggests that it seek international assistance in this regard. It further recommends that the authorities promote the implementation of article 39 of the Convention by strengthening the capacity of existing rehabilitation centres.

863. The Committee recommends that the State party undertake a comprehensive reform of its juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law. Training on the relevant international standards should be provided for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner/Centre for

Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

864. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and additional information presented by the State party be made widely available to the public at large and that the publication of these documents be undertaken, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 23. Concluding observations: Algeria

865. The Committee considered the initial report of Algeria (CRC/C/28/Add.4) at its 387th to 389th meetings, on 29 and 30 May 1997 (CRC/C/SR.387-389) and, at its 398th meeting, on 6 June 1997, adopted the following concluding observations.

### (a) Introduction

866. The Committee expresses its appreciation to the State party for the submission of its initial report, as well as for the written answers to its list of issues (CRC/C/Q/ALG.1). The Committee also expresses its satisfaction to the State party for engaging in an open and constructive dialogue with the Committee. It particularly wishes to express its satisfaction at the self-critical approach and welcomes the positive response to the suggestions and recommendations made during the course of the discussion. However, the Committee regrets that, while the report provided comprehensive information on the national legislation relating to the promotion and protection of the rights of the child, it failed to provide information on factors and difficulties impeding the implementation of the Convention and the actual enjoyment by children of their rights.

### (b) Positive aspects

867. The Committee notes with appreciation that the Convention is fully incorporated into domestic law and that under article 132 of the Constitution international conventions are superior to domestic law. It also notes with appreciation that the provisions of the Convention are self-executing and may be invoked directly before the courts.

868. The Committee welcomes the initiatives taken by the Government, such as the setting up of a National Human Rights Observatory in 1992 and, more recently, of an Observatory of the Rights of the Mother and the Child. The Committee also notes with satisfaction the setting up, in each *wilaya*, of directorates for social action, entrusted with the task, *inter alia*, of monitoring the implementation of policies adopted in respect of children. Furthermore, the Committee welcomes the adoption, following the World Summit for Children, of the National Plan of Action for the Survival, Protection and Development of Children.

869. The Committee also welcomes the introduction in January 1997, in cooperation with the United Nations Children's Fund, of a national communication programme in the sectors of health, education, social welfare, youth, sports,

information and culture, with the collaboration of information bodies such as the national agency for filmed news, television, radio and the press, with a view to ensuring, inter alia, wide dissemination of the principles and provisions of the Convention.

870. The Committee notes with appreciation that education is free at all levels and that attendance is nearly universal. The Committee also notes with satisfaction that health services are free for all children and that a national programme of health care in schools has been developed.

871. The Committee notes with appreciation that, in accordance with article 32, paragraph 2 (a), of the Convention, article 15 of Act No. 90-11 of 21 April 1990 provides that the minimum age for employment is 16, with the only exception being apprenticeship contracts established in accordance with the law.

872. The Committee notes that, in accordance with article 39 of the Convention, steps have been taken to provide special services to assist children who are victims of the violence prevailing in the country, in order to promote physical and psychological recovery and social reintegration of those children.

### (c) Factors and difficulties impeding the implementation of the Convention

873. The Committee acknowledges that the severe economic and social difficulties facing the country have had a negative impact on the situation of children. In particular, it notes that the high level of external debt, the requirements of structural adjustment programmes, the high level of unemployment and poverty, and the existence of prejudicial traditional practices and customs are among the factors impeding the full enjoyment of their rights by children.

874. The Committee also notes that the continuing violence in Algeria since 1992 has had a negative impact on the implementation of certain provisions of the Convention.

### (d) Principal subjects of concern

875. The Committee notes that Algeria has made interpretative declarations on articles 13, 14, paragraphs 1 and 2, 16 and 17 of the Convention. In this respect, the Committee is of the opinion that the concerns expressed by the State party in its declarations are duly reflected in the relevant provisions of the Convention, and it expresses the view that retaining such declarations could lead to misunderstandings about the State party's commitment to implementing the rights covered by these articles.

876. The Committee notes with concern that inadequate measures have been taken by the State party to harmonize national legislation with the principles and provisions of the Convention. The Committee notes in particular that the Family Code currently in force in Algeria does not adequately address all the rights recognized in the Convention. The Committee also notes with concern that the legal provisions relating to the protection and promotion of the rights of the child are scattered throughout domestic laws, making it difficult to assess the actual legal framework in the field of children's rights.

877. The Committee, while noting with appreciation the existence of various government bodies responsible for the welfare of children at the national and local levels, regrets the inadequate coordination among these bodies in

promoting and protecting the rights of the child and developing a comprehensive approach to the implementation of the Convention.

878. Although acknowledging that efforts have been made to promote awareness of the provisions of the Convention in schools, the Committee remains concerned that insufficient steps have been taken to date to promote awareness and understanding of the principles and provisions of the Convention among both children and adults. The Committee is particularly concerned that the training on children's rights provided to members of the police and security forces and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and unsystematic.

879. The Committee is concerned that no adequate measures have been taken for the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention in relation to all groups of children in order to evaluate progress achieved and assess the impact of policies adopted with respect to children.

880. The Committee notes with concern that the principles of the best interests of the child, respect for the views of the child, and his or her right to participate in family, school and social life are not fully reflected in domestic legislation or implemented in practice. In this respect, the Committee regrets that the main thrust of the Convention, that is, children as subjects of their own rights, is not adequately reflected in Algerian legislation. The Committee notes with concern that while articles 117 and 124 of the Family Code provide that children with discernment are consulted in matters concerning them, article 43 of the Civil Code does not recognize discernment for children under 16. Furthermore, the Committee expresses its concern at the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law and the Convention.

881. The Committee expresses its concern at the existence of discriminatory attitudes towards girls and children born out of wedlock among some groups within the population.

882. With regard to the implementation of article 4 of the Convention, the Committee notes the lack of adequate legislative, administrative and other measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of the State party's available resources, in particular for the most vulnerable children, including girls, children with disabilities, abandoned children, children born out of wedlock, children from single-parent families, children victims of abuse and/or exploitation, and nomadic and refugee children.

883. The Committee notes with concern the absence of specific and adequate regulations governing the registration of children, in accordance with article 7, paragraph 1, of the Convention, who are members of nomadic groups.

884. The Committee notes with deep concern that the law applicable in the case of rape of a minor excuses the perpetrator of the crime from penal prosecution if he is prepared to marry his victim. Furthermore, in order to legitimize celebration of marriage which would otherwise contravene the law, article 7 of the Algerian Family Code allows the judge to lower the age for marriage if the victim is a minor.

885. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family and at the lack of information on this matter. The Committee is further concerned that disciplinary measures in schools often involve corporal punishment, although it is prohibited by law.

886. The Committee notes with regret the lack of information on the situation of refugee children in Algeria, especially with reference to their access to health care and education, as provided for by article 22, paragraph 1, of the Convention.

887. The Committee expresses regret at the lack of information on programmes of education and health-care services, in accordance with article 30 of the Convention, for nomadic children.

888. The Committee notes with concern the inadequacy of the mechanisms to monitor the implementation of Act No. 90-11 of 21 April 1990, regulating the employment of minors in the private and agricultural sectors.

889. While noting that the domestic legal texts governing the administration of juvenile justice take into account the principles and provisions of the Convention, the Committee regrets the lack of information on the implementation of these texts and on the actual enjoyment of their rights by children involved with the administration of juvenile justice.

890. The Committee notes with concern that, under article 249 of the Code of Criminal Procedure, children between 16 and 18 years of age suspected of terrorist or subversive activities are tried in criminal court as adults. The Committee takes note of article 50 of the Criminal Code, which prohibits the sentencing of a minor to capital punishment or life imprisonment; the Committee regrets that it remains unclear whether the legal regime applicable to those minors with respect to trial proceedings and the execution of the sentence is that applicable to minors or to adults.

891. The Committee notes with concern the lack of preventive measures to address the effects of violence on children. It notes in particular that the number of orphans has recently risen as a direct consequence of violence, and that no specific measures seem to have been adopted to address the problem.

### (e) Suggestions and recommendations

892. The Committee suggests that the State party consider reviewing its interpretative declarations with a view to withdrawing them, in the spirit of the Vienna Declaration and Programme of Action.

893. The Committee recommends that the State party bring existing legislation into line with the principles and provisions of the Convention, and that it consider the possibility of enacting a comprehensive code for children.

894. The Committee recommends that further steps be taken by the State party to strengthen coordination between the various government bodies involved in children's rights, at both the national and local levels, and that greater efforts be made to ensure closer cooperation with non-governmental organizations working in the field of human and children's rights.

895. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and

children. The Committee also recommends that systematic training and retraining programmes on the rights of the child be organized for professional groups working with and for children, such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

896. The Committee also recommends that the system of data collection be reviewed, with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable children and children in especially difficult circumstances. Adequate disaggregated data should be gathered and analysed in order to assess progress achieved in the realization of children's rights and to help define policies to be adopted to better implement the provisions of the Convention. With respect to the latter issue, the Committee recommends that further studies and follow-up surveys on vulnerable groups of children be initiated and that the State party consider requesting technical assistance from the United Nations Children's Fund.

897. The Committee recommends that further efforts be made to ensure that national laws conform fully with the Convention, having due regard to the best interests of the child, non-discrimination, respect for the views of the child and his or her right to participate in family, school and social life, and the right of the child to life, survival and development. Awareness-raising campaigns should be launched, in particular among children, parents and professionals working with and for children, on the need for increased attention to these principles. In this regard, the Committee suggests setting up an independent mechanism, such as an ombudsperson for children, responsible for receiving and acting on complaints from children of violations of their rights under the law and the Convention.

898. In the light of article 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on the enjoyment of these rights by disadvantaged children.

899. The Committee recommends that special attention be given to the problems of ill-treatment and abuse, including sexual abuse, of children within the family and corporal punishment in schools, and stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence on children, in accordance with article 19 of the Convention. The Committee also suggests that comprehensive studies on these problems be initiated in order to understand them better and to facilitate the elaboration of policies and programmes, including rehabilitation programmes, to combat them effectively.

900. The Committee recommends that all necessary measures be adopted to ensure the immediate registration of the birth of nomadic children.

901. The Committee recommends that further steps be taken to ensure that nomadic children have access to education and health-care services through a system of specifically targeted education and health-care schemes which will allow these children to enjoy their right, in community with other members of their group, to their own culture, as stipulated in article 30 of the Convention.

902. The Committee recommends that further attention be paid to the full realization of the rights of refugee children under article 22 of the Convention.

903. The Committee further recommends that all necessary measures be adopted to monitor the implementation of Act No. 90-11 of 21 April 1990, in particular in the private and agricultural sectors of the economy, through strengthening existing inspection mechanisms.

904. With respect to the administration of juvenile justice, the Committee draws the attention of the State party to articles 37, 39 and 40 of the Convention, as well as to relevant United Nations standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee recommends in particular that in the implementation of special rules and regulations relating to terrorist and subversive activities, special attention be given to the implementation of articles 37 (a), (c) and (d), and 40, paragraph 3, of the Convention.

905. The Committee recommends that appropriate measures be adopted with a view to preventing to the maximum extent possible the negative impact of prevailing violence, through education and information campaigns in schools, on peaceful cohabitation and peaceful resolution of conflicts. It also recommends that steps be taken to address the specific problem of the rising number of children orphaned by this violence.

906. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 24. Concluding observations: Azerbaijan

907. The Committee considered the initial report of Azerbaijan (CRC/C/11/Add.8) at its 390th to 392nd meetings, on 2 and 3 June 1997 (CRC/C/SR.390-392), and, at its 398th meeting, on 6 June 1997 adopted the following concluding observations.

### (a) Introduction

908. The Committee notes with appreciation the submission of the initial report, the written answers to the list of issues (CRC/C/Q/AZER/1), as well as the dialogue held with the State party. While the Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue, it nevertheless regrets that the initial report did not follow the guidelines provided by the Committee and therefore information on several areas relating to the daily life of children in Azerbaijan was not included in the document.

### (b) Positive aspects

909. The Committee notes with satisfaction that the State party is currently carrying out a comprehensive law reform. It also notes the recent establishment

of the Commission on Minors' Affairs under the Cabinet of Ministers of Azerbaijan and of a Human Rights Commission in Parliament.

910. The Committee notes with appreciation the steps taken by the State party to publicize the Convention on the Rights of the Child.

911. The Committee welcomes the emergence of non-governmental organizations and the gradual steps to enhance cooperation between them and the Government.

### (c) Factors and difficulties impeding the implementation of the Convention

912. The Committee recognizes the serious difficulties faced by the State party in implementing the provisions of the Convention. It notes that the State party's transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children.

913. The Committee also notes the major problems experienced as a consequence of the armed conflict, which has imposed serious hardships on the entire population, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services. It takes particular note of the unknown number of children who have suffered the most fundamental violations of their right to life, and of the existence of a large population of refugees and displaced persons, who are being attended to by international aid.

### (d) Principal subjects of concern

914. While acknowledging the efforts undertaken by the State party to adopt a new act on the rights of the child, the Committee remains concerned that at present there is no comprehensive legislation that promotes and protects the rights of the child as stipulated by the Convention.

915. The Committee is concerned that the State party has not yet adopted a comprehensive policy to promote and protect the rights of the child. The absence of a national plan of action is also a matter of concern.

916. The Committee is concerned at the absence of a coordinating body for issues relating to children, which results in insufficient coordination among various governmental bodies and mechanisms, as well as between the national and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

917. Insufficient attention has been paid by the authorities to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as refugee and internally displaced children, children of single-parent families, children in rural and remote areas, abandoned, institutionalized and disabled children, and children who are living and/or working on the street. Finally, the Committee expresses its concern that no independent monitoring mechanism exists in relation to children's rights.

918. With regard to the implementation of article 4 of the Convention and taking into account the reallocation of resources since the beginning of the armed

conflict in 1990, as well as the impact of the transition to a market economy, the Committee notes with concern the inadequacy of measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children.

919. While acknowledging the efforts undertaken by the State party to raise awareness about the principles and provisions of the Convention among both adults and children, the Committee remains concerned that government officials and the general public have not yet been sensitized to the rights of the child.

920. The Committee is concerned that in the State party the child is still often perceived as a person not fully entitled to rights. In this regard, it notes that professionals and personnel working with and for children, including judges, lawyers, magistrates, law enforcement personnel, military officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions, lack sufficient knowledge about the Convention and other relevant international instruments relating to the rights of the child.

921. The Committee wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children.

922. The Committee is concerned that legislative provisions relating to the definition of the child are not in conformity with the principles and spirit of the Convention. It is particularly concerned at the disparities in the marriage ages for boys and girls and between the age of end of compulsory schooling and the minimum age for employment.

923. In the light of article 17 of the Convention, the Committee is concerned about the lack of legislative and other types of measures to protect children from harmful information.

924. The Committee notes with concern that the general principles of the Convention, especially article 3, are not sufficiently taken into account with regard to the decision-making process, which may result in the institutionalization of children. The Committee is also concerned that alternative measures to institutionalization, as well as article 25 of the Convention, recognizing the right to periodic review of placement, are not sufficiently taken into consideration.

925. The Committee is concerned about the inadequate support given to families living below the poverty line, as well as to single-parent families.

926. With a view to fully protecting the rights of adopted children and in the light of article 21 of the Convention, the Committee is concerned about the lack of comprehensive legislation on adoption and the fact that intercountry adoption seems not to be a measure of last resort.

927. The Committee is deeply concerned about the consequences of armed conflict on families, in particular the emergence of a population of unaccompanied children, orphans and abandoned children.

928. The Committee is concerned about the lack of information about ill-treatment and abuse of children within the family. The Committee is equally concerned about the lack of information on youth suicides and accidents.

929. While welcoming the fact that the State party has recently released a study on children working and/or living on the street, the recent increase in the number of such children is a matter of concern. The Committee also expresses its serious concern at the increase in the number of child prostitutes, and that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

930. The Committee is gravely concerned about the general health situation of children, in particular with regard to the rise in the infant, child and maternal mortality rates, the decline of breastfeeding, the increase in the number of unwanted pregnancies, nutrition and iodine deficiencies, substance abuse, and the negative impact of environmental pollution.

931. The Committee is seriously concerned about the impact of armed conflict on education, and at the lack of measures to implement programmes to reduce the drop-out rate.

932. The Committee is concerned at the substantial number of refugees and internally displaced persons resulting from the armed conflict since 1990, especially children, many of whom have been living in tents for three years. These children do not always have equal access to basic services, especially health, education and social services.

933. In the light of article 39 of the Convention, the Committee is seriously concerned about the inadequate measures for the physical, psychological and social rehabilitation of children affected and traumatized by armed conflict.

934. The Committee expressed its concern about the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee remains particularly concerned, inter alia, about the lack of respect for the rights of the child in "corrective labour institutions", the lack of an appropriate monitoring system for all types of detention centres and the inadequacy of alternative measures to imprisonment.

### (e) Suggestions and recommendations

935. The Committee recommends that the State party harmonize its legislation relating to children with the principles and provisions of the Convention by adopting its draft act on the rights of the child.

936. The Committee suggests that the State party adopt a comprehensive national policy on children as well as a national plan of action.

937. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels. The Committee also encourages the State party to pursue its efforts to strengthen the institutional framework designed

to promote and protect human rights in general and the rights of the child in particular. It encourages the State party to cooperate closely with non-governmental organizations.

938. The Committee also recommends that the State party give priority to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children. Such mechanisms can play a vital role in monitoring the status of children, assessing the progress achieved and evaluating the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged children, including children with disabilities, refugee and internally displaced children, children ill-treated and abused within the family and in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the street. It is suggested that the State party request international cooperation in this regard. The Committee further recommends that an independent monitoring body be established, such as an ombudsperson or a children's rights commissioner, to address children's rights violations adequately.

939. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by the most disadvantaged children. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting continue to be fully involved in all decision-making processes, so as to ensure that their decisions have a direct and positive impact on the budget.

940. The Committee further recommends that all appropriate measures be taken to integrate children with disabilities into mainstream education.

941. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular articles 3 and 12, not only guide policy discussions and formulation and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

942. The Committee recommends that the State party launch an information campaign, for both children and adults, on the Convention on the Rights of the Child to enable children to fully exercise their rights. Consideration should be given to the incorporation of the Convention in the curricula of educational institutions and appropriate measures should be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts towards development of comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, military officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions.

943. With a view to harmonizing the definition of the child with the Convention, the Committee recommends that the minimum age for marriage be the same for girls and boys and that the age of end of compulsory education be the same as the minimum age for employment.

944. The Committee recommends that the State party take all appropriate legal, administrative and other measures to protect children from harmful information, including in the audio-visual media and in media using new technologies.

945. In the light of the principle of the best interests of the child, the Committee recommends that the authorities work to develop alternative measures to institutionalization, such as foster care. It also recommends that the right of the child to periodic review of placement be systematically enforced.

946. The Committee recommends that new and creative policies and programmes be considered to adequately support vulnerable families, particularly those living in poverty or single-parent families. The status of families accommodating refugee or displaced children should be regularized.

947. The Committee strongly recommends that the legislation on adoption be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

948. With a view to facilitating family reunification, the Committee recommends that the authorities set up a central agency to trace unaccompanied children; appropriate measures should also be taken to protect the rights of orphans and abandoned children.

949. The Committee suggests that the State party undertake a comprehensive study of child abuse, including sexual abuse, and ill-treatment in the family, as well as a study on youth suicide. The Committee also recommends that adequate programmes be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

950. The Committee recommends that the State party adopt a strategy to tackle the problem of children working and/or living on the street. It further suggests that informal education programmes be promoted.

951. In view of the critical situation in the field of health, the Committee recommends that the State party adopt a comprehensive national policy to promote and advance the health of children and mothers. The Committee suggests that particular attention be given to the impact of environmental pollution and that a study be undertaken on this subject. International cooperation in this field should be a priority.

952. The Committee recommends that pupil retention programmes be promoted. In the light of article 29 (d), the Committee recommends that education on conflict resolution and education for peace, tolerance and friendship among all people be promoted in all schools.

953. The Committee recommends that special attention be directed to refugee and internally displaced children to ensure that they have equal access to basic facilities.

954. The Committee strongly recommends that the State party take all appropriate measures, including through international cooperation, if necessary, to address the physical, psychological and social reintegration needs of children affected by the armed conflict and related types of violence.

955. The Committee recommends that the State party consider undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially those living in "corrective labour institutions", to the establishment of an appropriate and independent monitoring mechanism, and to the improvement of the quality and adequacy of alternative measures to imprisonment. Training on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

956. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 25. Concluding observations: Lao People's Democratic Republic

957. The Committee considered the initial report of the Lao People's Democratic Republic (CRC/C/8/Add.32) at its 400th to 402nd meetings, on 23 and 24 September 1997 (CRC/C/SR.400-402) and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

958. The Committee expresses its appreciation to the State party for its initial report and written answers to the list of issues (CRC/C/Q/LAO/1). The Committee also expresses its appreciation to the State party for sending a high-ranking and multidisciplinary delegation. The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions and difficulties encountered with regard to the implementation of the provisions of the Convention. The Committee, however, notes with regret that the report did not always follow the guidelines, in particular in relation to the general principles, which are not mentioned, and did not provide statistical and disaggregated data and information on the concrete effects of measures adopted or on the implementation of the existing legislation, in particular in regard to the protection issues.

### (b) Positive aspects

959. The Committee takes note of the political will of the State party to promote and protect the rights of the child, and its efforts to develop and implement a socio-economic development programme for the year 2000. The Committee welcomes the efforts made by the State party in adopting its "Education for All" action plan, its efforts in the area of immunization, as

well as combating iodine deficiency, and its project on mainstream education for disabled children.

960. The Committee also notes the establishment in 1992 of the National Commission for Mothers and Children and welcomes its reorganization in 1996 and the widening of its mandate to cover all aspects of the Convention, including protection and participation issues.

961. The Committee notes with appreciation the recent efforts of the State party to address the problem of unexploded ordnance such as the establishment in 1995 of the Unexploded Ordnance Trust Fund and the Laos National Unexploded Ordnance Programme established under the Ministry of Labour and Social Welfare, with support from the United Nations Development Programme, the United Nations Children's Fund and many donors.

962. The Committee welcomes the State party's seeking advice and technical assistance to ensure the full integration of the provisions of the Convention in its legislation, to establish a system of administration of juvenile justice, and to train professionals on the rights of the child.

### (c) Factors and difficulties impeding the implementation of the Convention

963. The Committee notes that the Lao People's Democratic Republic is among the least developed countries. The Committee also notes that the State party is in a phase of transition from a centrally planned to a market economy; this produces or aggravates social problems that have a negative impact on the situation of children.

### (d) Principal subjects of concern

964. The Committee is concerned that although a new Constitution was promulgated in 1991 and major pieces of legislation, such as the Family Law, the Penal Law and the Labour Law, came into effect in 1990, the national legislation does not fully conform to the Convention.

965. The Committee is equally concerned that insufficient attention has been paid to the provisions of article 4 of the Convention concerning budgetary allocations to the maximum extent of available resources.

966. The Committee is concerned at the insufficient attention paid by the State party to systematic, comprehensive and disaggregated qualitative and quantitative data collection and to the identification of appropriate indicators and mechanisms to evaluate the progress and the impact of policies and measures adopted for all areas covered by the Convention, especially the most hidden such as child abuse or ill-treatment, but also in relation to all groups of children, including minority group children, girl children, children in rural areas and children victims of sale, trafficking and prostitution.

967. The Committee is equally concerned at the insufficient attention paid by the authorities to the identification of monitoring mechanisms for all areas covered by the Convention and in relation to all groups of children.

968. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the view that the measures adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children, in particular for minorities and in rural areas, are

insufficient. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, policy makers, lawmakers, government and military officials, community leaders, health professionals, teachers, social workers, and personnel working in child-care institutions.

969. The Committee is concerned at the lack of a legislative framework for the creation of national independent non-governmental organizations.

970. Of particular concern is the fact that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions and its policies and programmes relevant to children.

971. As regards the implementation of article 2, the Committee is particularly concerned at the insufficiency of the measures adopted to ensure the full enjoyment by all children of the rights recognized in the Convention, in particular in relation to access to education and health services, and protection against exploitation. Of particular concern to the Committee are certain vulnerable groups of children, in particular girl children, children belonging to minorities, children living in rural and remote areas and children born out of wedlock.

972. The Committee expresses concern regarding the implementation of article 12 of the Convention, as children's participation is still low and they are traditionally represented by adults, and as the views of the child are not sufficiently taken into account, especially within the family, the school and the care and justice systems.

973. The Committee is concerned at the lack of harmonization between the legal age for the end of compulsory education, which is 10, and the minimum legal age for employment, which is 15.

974. The Committee is concerned at the insufficiency of the measures adopted to discourage early marriage, which is a harmful traditional practice in certain communities.

975. In the light of article 7 of the Convention, the Committee is concerned that there are children who are not registered at birth.

976. The Committee is concerned at the lack of awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and the lack of appropriate measures and mechanisms to prevent and combat such abuse. The lack of special structures for children victims of abuse and their limited access to justice are also matters of concern, as is the lack of rehabilitation measures for such children. The persistence of corporal punishment within the family and its acceptance by society is also a matter of concern.

977. The Committee is concerned at the lack of measures, including legal ones, to ensure that children maintain contact with both parents in case of divorce or separation, as well as the absence of a mechanism to ensure the recovery of maintenance for the child.

978. The Committee is concerned that the provisions of the Family Law regarding adoption do not conform fully to article 21 of the Convention, or with the principle of the best interests of the child.

979. The Committee is concerned at the high maternal mortality rate, the high mortality and morbidity rates among children, the lack of access to prenatal and maternity care, and the generally limited access to public health care and to medicines, in particular in rural areas. The high level of malnutrition is also a matter of concern. The Committee is also concerned at the high incidence of traffic accidents involving children and at the inadequacy of the efforts to raise awareness about HIV/AIDS in the communities and at school, in particular in the rural areas.

980. The Committee is concerned that the legislation does not specifically mention that primary education is free. It remains concerned at the low level of school enrolment and the high drop-out and repetition rates, the disparities between urban and rural areas and between ethnic groups in terms of enrolment and quality of education provided, the shortage of physical infrastructure, school materials and teachers, and the low qualifications of teachers, in particular in rural areas. The Committee is particularly concerned at the lack of vocational training opportunities, in particular in rural and remote areas.

981. The Committee is concerned at the shortage of physical and psychological rehabilitation programmes and services for unexploded ordnance victims. The problem of the toxic chemical contamination of soil and water, particularly in the six southern provinces, is also a matter of concern.

982. The Committee is concerned at the economic exploitation of children, including in the informal sector, particularly as domestic servants, in agriculture and in the family context.

983. The Committee is concerned at the increasing phenomenon of child prostitution and trafficking which affects boys as well as girls. It is worried about the insufficiency of measures to prevent and combat this phenomenon, and the lack of rehabilitation measures.

984. With regard to article 35 of the Convention, the Committee is also concerned at the inadequacy of the measures taken to address the situation of children affected by drugs and/or other substance abuse.

985. The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention and other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the lack of a legal framework for the administration of juvenile justice, the grounds for arrest and detention of children that can include prostitution, the absence of specialized judges, and the lack of social workers and qualified legal defenders.

### (e) Suggestions and recommendations

986. The Committee recommends that the State party initiate a comprehensive review of existing legislation with a view to undertaking adequate legislative reform to ensure full conformity of its legislation with all the provisions of the Convention, in particular its general principles (articles 2, 3, 6 and 12). The Committee also suggests that the State party envisage the adoption of a

specific code or legislation for children, with a separate section on children who need special protection. International cooperation with, among others, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund can be sought in this regard.

987. The Committee also suggests that the State party envisage acceding to other international human rights instruments, including the two international covenants on human rights.

988. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principle of the best interests of the child (article 3).

989. With a view to improving the general framework for the protection of children from all forms of abuse, neglect and exploitation, the Committee encourages the development of a social worker's system.

990. The Committee further recommends that the State party develop a comprehensive system of collecting disaggregated data in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups.

991. The Committee also suggests that a multidisciplinary monitoring system be established to assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the impact of economic change on children. The Committee suggests that the mandate of the National Commission for Mothers and Children be strengthened in this regard. The Committee recommends that the State party also explore the possibility of an independent machinery for complaints, such as an ombudsperson. The Committee further stresses the need to strengthen the capacity of the National Commission for Mothers and Children in its role of coordinator, in particular between the central, provincial and local levels. The Committee encourages the State party to seek assistance from, among others, the United Nations Children's Fund in this regard.

992. The Committee strongly encourages the State party to strengthen its efforts to make the provisions and principles of the Convention widely known by adults and children alike, in the light of article 42 of the Convention. It encourages the State party to further increase, through the print and electronic media, public awareness of the participatory rights of children, and to incorporate the Convention in school curricula. It also suggests that the State party develop appropriate oral or visual material to further spread knowledge of the Convention among minorities. The Committee suggests that the State party seek assistance from, among others, the United Nations Children's Fund, in this regard.

993. The Committee recommends the development of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, policy makers and lawmakers, government and military officials, community leaders, health professionals, teachers, social workers, personnel working in child-care institutions and

police officers, and that children's rights be included in their training curricula. The Committee suggests that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund in this regard.

994. The Committee also recommends that a legislative framework be adopted in order to encourage the establishment of national non-governmental organizations.

995. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

996. The Committee also emphasizes that the principle of non-discrimination, as provided under article 2 of the Convention, must be fully implemented. A more active approach should be taken to eliminate discrimination against certain groups, in particular girl children, children belonging to minorities and children born out of wedlock.

997. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.

998. The Committee suggests that the State party adopt all appropriate measures, including awareness-raising among parents and communities, on the negative effects of early marriage on children.

999. In the light of article 7 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among community leaders and parents to ensure that all children are registered at birth.

1000. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence to improve the understanding of the nature and the scope of the problem, and set up social programmes to prevent all types of child abuse, as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as multidisciplinary teams to handle cases, special rules of evidence and special investigators or community focal points.

1001. The Committee recommends that the State party take all appropriate measures, including legal ones, to ensure that children maintain contact with both parents in case of divorce or separation, as well as to ensure the recovery of maintenance for the child.

1002. The Committee recommends that the legislation on adoption be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

1003. The Committee suggests that the State party consider seeking further technical assistance to continue to strengthen its efforts to make primary health care accessible to all children, in particular at the district level. Concerted efforts are needed to combat malnutrition. The Committee further suggests that the State party promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS. The Committee also recommends that all appropriate measures be taken to prevent traffic accidents, such as teaching traffic rules at school.

1004. In accordance with article 28 of the Convention, the Committee encourages the State party in its efforts to make free primary education available for all and to train teachers. It also encourages the State party to implement measures to improve school enrolment and pupil retention, especially of girls, children belonging to minorities and children living in rural areas. A system for the regular evaluation of the effectiveness of all educational measures taken, including those related to the quality of teaching, must be ensured. The State party may wish to consider requesting further international assistance for the implementation of the measures identified for the full implementation of article 28.

1005. The Committee strongly encourages the State party to seek long-term external financial assistance in order to build national capacity with regard to unexploded ordnance, to establish a sustainable clearing process in each area, to provide continual community awareness programmes, through schools, pagodas and local organizations, and to develop rehabilitation programmes. The Committee also suggests that a study be undertaken on the effects on children of toxic chemical contamination of soils and water as a result of the armed conflict, and that studies on this matter undertaken in neighbouring countries be consulted.

1006. The Committee recommends that further measures be taken to implement the provisions of article 32, and that efforts be made to prevent and combat economic exploitation of the child or the performing of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to children working in the informal sector and with their families. The Committee further recommends that the State party harmonize the age of the end of compulsory education with the minimum age for work by raising the former to 15. The Committee suggests that the State party consider ratifying International Labour Organization Convention No. 138 concerning the minimum age for employment. The Committee also suggests that the State party seek technical assistance from the International Labour Organization in this area.

1007. With regard to the increase in child prostitution and trafficking, the Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme of prevention, including an awareness-raising and education campaign, in particular in the rural areas, and of rehabilitation of the victims. The State party is also invited to strengthen its efforts to control child pornography. Concerning the trafficking of boys and girls into neighbouring countries for work or prostitution, the Committee recommends that the State party strengthen its efforts to raise awareness in communities and establish vocational training for young people, in particular in rural areas. Cooperation with neighbouring countries is strongly encouraged.

1008. The Committee recommends that the State party take all appropriate measures to prevent and combat drug and substance abuse among children, such as public information campaigns, including in schools. It also encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from competent international organizations, such as the World Health Organization.

1009. The Committee recommends that legal reform in the field of administration of juvenile justice be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles. The Committee also encourages the State party to explore alternatives to institutional care as well as traditional mechanisms of conciliation, as long as the principles and guarantees of the Convention are respected. The Committee also recommends that the State party avail itself of the technical assistance programmes of the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

1010. In the light of the areas of concern identified by the Committee and the recommendation made, in particular in education, health and protection, the Committee suggests that the State party consider seeking further technical assistance from relevant international organizations.

1011. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of these documents be undertaken, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the National Assembly and the general public, including concerned non-governmental organizations.

## 26. Concluding observations: Australia

1012. The Committee considered the initial report of Australia (CRC/C/8/Add.31) at its 403rd to 405th meetings, on 24 and 25 September 1997 (CRC/C/SR.403-405), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

1013. The Committee expresses its appreciation to the State party for its extensively detailed report, which has been prepared in full conformity with the Committee's guidelines, and for the submission of written replies to its list of issues (CRC/C/Q/AUS/1). The Committee notes with satisfaction the constructive and open dialogue it had with the delegation of the State party, and the detailed replies it received from the delegation during the dialogue. The Committee also notes the supplementary information provided by the delegation during and following the consideration of the report. The Committee regrets, however, that the State party did not include full information in its report on the external territories that are administered by it. The Committee notes that article 2 of the Convention requires States parties to ensure the implementation of the Convention for areas under their jurisdiction, which therefore includes the obligation to report on progress achieved in all its territories.

### (b) Positive aspects

1014. The Committee appreciates the State party's firm commitment to adopting measures for the implementation of the rights of the child as recognized in the Convention. The Committee notes specifically the wide range of welfare services for the benefit of children and their parents, the provision of universal and free education and the advanced health system.

1015. The Committee notes the efforts made by the State party in the field of law reform. The Committee welcomes the recent amendments to the Family Law Act, 1975, and the Crimes (Child Sex Tourism) Amendment Act, 1994.

1016. The Committee welcomes the intention of the State party to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

1017. Noting the long-standing efforts made by the State party in the field of international cooperation, the Committee would like to encourage the State party to achieve the target of 0.7 per cent of gross domestic product for international assistance to developing countries.

### (c) Principal subjects of concern

1018. The Committee is concerned that although the Convention on the Rights of the Child has been declared a relevant international instrument under the Human Rights and Equal Opportunity Act, 1986, which enables the Human Rights and Equal Opportunity Commission to refer to the Convention when it is considering complaints, this does not give rise to legitimate expectations that an administrative decision will be made in conformity with the requirements of that instrument. The Committee is also concerned that there is no right of citizens to launch complaints in the local courts on the basis of the Convention on the Rights of the Child.

1019. The Committee notes with concern the reservation made by the State party to article 37 (c) of the Convention. The Committee notes that this reservation might impede the full implementation of the Convention.

1020. The Committee is concerned about the absence of a comprehensive policy for children at the federal level. It is also concerned at the lack of monitoring mechanisms at the federal and local levels. Such mechanisms are of essential importance for the evaluation and promotion of the development of policies and programmes for the benefit of children. Disparities between the different States' legislation and practices, including budgetary allocations, are of concern to the Committee.

1021. The Committee notes that the Convention and its principles are not generally known to the public, although the notion of rights is. The Committee regrets that there seems to be a lack of adequate understanding in some quarters of the community of the principles of the Convention, as well as its holistic and interrelated approach, and the importance that the Convention places on the role of the family.

1022. The Committee also expresses its concern that employment legislation on the federal level, as well as in all the States, does not specify minimum age(s) below which children are not allowed to be employed. The law also does not prohibit the employment of children who are still in compulsory education. The Committee is deeply concerned that the minimum age of criminal responsibility is generally set at the low level of 7 to 10 years, depending upon the State.

1023. The Committee is concerned that the general principles of the Convention, in particular those related to non-discrimination (article 2) and respect for the views of the child (article 12) are not being fully applied.

1024. While noting the information provided by the delegation of the State party on a number of programmes to raise health standards for Aboriginal and Torres Strait Islander children and the State party's intention to start a two-year anti-racism campaign, the Committee is nonetheless concerned about the special problems still faced by Aboriginals and Torres Strait Islanders, as well as by children of non-English-speaking backgrounds, with regard to their enjoyment of the same standards of living and levels of services, particularly in education and health.

1025. The Committee is concerned that, in some instances, children can be deprived of their citizenship in situations where one of their parents loses his or her citizenship.

1026. The Committee expresses its concern about the lack of prohibition in local legislation of the use of corporal punishment, however light, in schools, at home and in institutions; in the view of the Committee this contravenes the principles and provisions of the Convention, in particular articles 3, 5, 6, 19, 28 (para. 2), 37 (a) and (c) and 39. The Committee is also concerned about the existence of child abuse and violence within the family.

1027. The Committee is also concerned at local legislation that allows the local police to remove children and young people congregating, which is an infringement on children's civil rights, including the right to assembly.

1028. The Committee is concerned that women working in the private sector are not systematically entitled to maternity leave, which could result in different treatment between children of State employees and those working in other sectors.

1029. While noting the support services that are provided to homeless children, including housing, education and health services, the Committee remains concerned at the spread of homelessness among young people. The Committee is worried that this puts children at risk of involvement in prostitution, drug abuse, pornography, or other forms of delinquency and economic exploitation. The incidence of suicide among young people is an additional cause of concern to the Committee.

1030. The Committee is concerned about the continued practice of female genital mutilation in some communities, and that there is no legislation prohibiting it in any of the States.

1031. The Committee is concerned about the treatment of asylum-seekers and refugees and their children, and their placement in detention centres.

1032. The situation in relation to the juvenile justice system and the treatment of children deprived of their liberty is of concern to the Committee, particularly in the light of the principles and provisions of the Convention and other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

1033. The Committee is also concerned about the unjustified, disproportionately high percentage of Aboriginal children in the juvenile justice system, and that there is a tendency normally to refuse applications for bail for them. The Committee is particularly concerned at the enactment of new legislation in two States, where a high percentage of Aboriginal people live, which provides for mandatory detention and punitive measures of juveniles, thus resulting in a high percentage of Aboriginal juveniles in detention.

### (d) Suggestions and recommendations

1034. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to review its reservation to article 37 (c) with a view to its withdrawal. The Committee emphasizes that article 37 (c) allows for exemptions from the need to separate children deprived of their liberty from adults when that is in the best interests of the child.

1035. The Committee recommends that the State party create a federal body responsible for drawing up programmes and policies for the implementation of the Convention on the Rights of the Child, and monitoring their implementation. The Committee suggests that cooperation in the field of the rights of the child between the authorities and non-governmental organizations, as well as Aboriginal and Torres Strait Islander communities, should also be further strengthened.

1036. The Committee encourages the State party to allocate special funds in its international cooperation programmes and schemes to children. The Committee also encourages the State party to use the principles and provisions of the Convention as a framework for its programme of international development assistance.

1037. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment in private schools and at home. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. The Committee also believes that cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

1038. The Committee recommends that awareness-raising campaigns on the Convention on the Rights of the Child be conducted, with a particular focus on its general principles and on the importance the Convention places on the role of the family. The Committee suggests that the Convention be disseminated also in languages that are used by Aboriginals and Torres Strait Islanders, and by persons from non-English-speaking backgrounds. The Committee also suggests that the rights of the child be incorporated in school curricula. It further recommends that the Convention be incorporated in the training provided to law enforcement officials, judicial personnel, teachers, social workers, caregivers and medical personnel.

1039. The Committee believes that there is a need for an awareness-raising campaign on the right of the child to participate and express his or her views, in line with article 12 of the Convention. The Committee suggests that special efforts be made to educate parents about the importance of children's participation and of dialogue between parents and children. The Committee also recommends that training be carried out to enhance the ability of specialists, especially caregivers and those involved in the juvenile justice system, to solicit the views of the child, and help the child express these views.

1040. The Committee recommends that specific minimum age(s) be set for employment of children at all levels of government. The Committee suggests that there is also a need for clear and consistent regulations in all the States on maximum allowed work-hours for working children who are above the minimum employment age. The Committee also encourages the State party to consider ratifying International Labour Organization Convention No. 138 concerning minimum age for employment. While acknowledging the fact that the federal Government is planning to harmonize the age of criminal liability and raise it in all the States to 10 years, the Committee believes that this age is still too low.

1041. The Committee recommends that legislation and policy reform be introduced to guarantee that children of asylum-seekers and refugees are reunified with their parents in a speedy manner. The Committee also recommends that no child be deprived of his or her citizenship on any ground, regardless of the status of his or her parents.

1042. The Committee encourages the State party to review its legislation and make paid maternity leave mandatory for employers in all sectors, in the light of the principle of the best interests of the child and articles 18, paragraph 3, and 24, paragraph 2, of the Convention.

1043. The Committee encourages the State party to take further steps to raise the standards of health and education of disadvantaged groups, particularly Aboriginals, Torres Strait Islanders, new immigrants, and children living in rural and remote areas. The Committee is also of the view that there is a need for measures to address the causes of the high rate of incarceration of Aboriginal and Torres Strait Islander children. It further suggests that research be continued to identify the reasons behind this disproportionately high rate, including investigation into the possibility that attitudes of law enforcement officers towards these children because of their ethnic origin may be contributing factors.

1044. The Committee recommends that further research be carried out to identify the causes of the spread of homelessness, particularly among young persons and children, including, *inter alia*, the socio-economic background of the child and his or her family, and to identify any link between homelessness and child abuse, including sexual abuse, child prostitution, child pornography and trafficking in children. The Committee also encourages the State party to adopt further policies of poverty alleviation, and to further strengthen the support services that it provides to homeless children.

1045. The Committee recommends that specific laws be enacted to prohibit the practice of female genital mutilation and to ensure adequate implementation of the legislation. The Committee also recommends that further awareness-raising campaigns be conducted, in cooperation with the different communities, to sensitize them about the dangers and harm that result from this practice.

1046. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the reports be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 27. Concluding observations: Uganda

1047. The Committee considered the initial report of Uganda (CRC/C/3/Add.40) at its 409th and 410th meetings, on 29 and 30 September 1997 (CRC/C/SR.409-410), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

1048. The Committee expresses its appreciation to the State party for the submission of its initial report, which followed the guidelines set by the Committee on the Rights of the Child, as well as for the comprehensive written answers to its list of issues (CRC/C/UGA/1). The Committee also expresses its satisfaction to the State party for having engaged in an open and constructive dialogue with the Committee, and in particular for the self-critical and frank approach taken by the State party in its report and during the dialogue with the Committee. It welcomes the delegation's positive response to the suggestions and recommendations made during the course of the discussion.

### (b) Positive aspects

1049. The Committee notes the establishment in 1992 of the National Council of Children and the adoption of the Uganda National Plan of Action for Children. It also welcomes the decentralization of the National Plan of Action for Children and, to this end, the adoption of 34 district plans of action for children. The Committee further notes with appreciation that alongside the legislative framework, the State party has carried out some studies and developed therefrom, inter alia, the decentralization policy.

1050. The Committee notes with satisfaction that the State party enacted a new Constitution in 1995 and the Children's Statute in 1996 which incorporate specific provisions relating to children's rights and that the State party, in the drafting of this legislation, used the Convention on the Rights of the Child as one of the core documents so as to ensure full compatibility between the Constitution, the Children's Statute and the Convention. The Committee also notes that the State party is one of the seven African countries that has so far ratified the African Charter on the Rights and Welfare of the Child.

1051. The Committee welcomes the priority being given by the State party to health, in particular health care for children, including efforts to reduce child mortality, facilitate breastfeeding, support nutrition programmes, combat HIV/AIDS, eliminate female genital mutilation and increase access to clean drinking water.

### (c) Factors and difficulties impeding the implementation of the Convention

1052. The Committee acknowledges that the severe political, economic and social difficulties facing the State party have had a negative impact on the situation of children. In particular, the Committee notes that poverty, armed conflict in the north and the HIV/AIDS pandemic have caused major difficulties.

1053. Furthermore, the Committee notes that prejudicial traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the principles of non-discrimination, best interests of the child and respect for the views of the child.

### (d) Principal subjects of concern

1054. The Committee, while noting with satisfaction the existence of the National Council of Children and various government bodies, ministries and resistance councils responsible for the welfare of children at the national and local levels, nevertheless regrets the inadequate coordination among these bodies in promoting and protecting the rights of the child and developing a comprehensive approach to the implementation of the Convention. It also regrets that the National Council of Children and the other bodies, ministries and councils lack the requisite institutional capacity, skills and financial resources to carry out their mandates.

1055. Taking note of the recent achievements in the field of law reform, the Committee is concerned about the insufficiency of the measures taken by the State party to harmonize national legislation with the principles and provisions of the Convention. The Committee particularly notes with concern that current provisions concerning the definition of "child", "youthful offender" and "minor", as contained respectively in the Approved Schools Act, the Affiliation Act and the Marriage Act; the Reformatory Schools Act; and the Divorce Act, are incompatible with the provisions and principles of the Convention, especially with the principle of non-discrimination and in the areas of marriage, employment and juvenile justice. The Committee also remains concerned about the conflict between customary law and the principles and provisions of the Convention in these areas.

1056. The Committee is concerned that no adequate measures have been taken for the systematic collection of disaggregated quantitative and qualitative data in all areas covered by the Convention, in relation to all groups of children, in urban and rural areas, in order to evolve targeted policies, evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee is also concerned about the State party's limited human and financial capacity to collect and process data, as well as to develop specific indicators to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

1057. While acknowledging that efforts have been made by the State party to promote awareness of the provisions of the Convention through the print and electronic media, the schools and village campaigns, the Committee remains concerned that insufficient steps have been taken to promote awareness and understanding of the principles and provisions of the Convention. The Committee is concerned that the training on children's rights provided to all professional groups, including members of the police and security forces and other law enforcement officials, army officials, judicial personnel, magistrates, lawyers, teachers and school administrators at all levels of education, social workers, officials of central or local administrations and personnel of child-care institutions and health and medical personnel, is insufficient and unsystematic. Furthermore, the Committee remains concerned that the Convention in its entirety has not been translated into any vernacular language.

1058. The Committee notes the lack of adequate legislative, administrative and other measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of the State party's available resources, in particular for girls, orphans, children with disabilities, abandoned children, children born out of wedlock, children from single-parent families, children living and working on the street, and children victims of abuse and/or economic and sexual exploitation.

1059. The Committee notes with concern that although the principles of the best interests of the child, respect for the views of the child, and the child's right to participate in family, school and social life are incorporated fully in the Constitution and the Children's Statute, they are not implemented in practice owing to, inter alia, cultural norms, practices and attitudes.

1060. In particular, the Committee is concerned at the persistence of discriminatory attitudes against some groups of children, especially girls, children with disabilities and children living in rural areas, which often results in limiting their access to basic social facilities such as health and education.

1061. The Committee is concerned at the insufficiency of the measures to combat and prevent ill-treatment and abuse, including sexual abuse of children within the family, and at the lack of information on this matter. The Committee is further concerned that disciplinary measures in some schools and law enforcement institutions often involve corporal punishment, although this is prohibited by law.

1062. The Committee is concerned that in many rural areas legislation relating to birth registration is not fully implemented, which may seriously disadvantage non-registered children in the enjoyment of their rights.

1063. The Committee is concerned that despite the various immunization programmes, infant and child mortality rates are high owing to, inter alia, poor water supply, hygiene and sanitation practices and endemic malnutrition. Furthermore, the Committee is worried about the rapid spread of HIV/AIDS throughout the country and its devastating impact on children who are infected and affected.

1064. While noting that the State party has made efforts towards introducing the principle of free and compulsory primary education by providing free education for four children per family, the Committee is concerned that this fundamental right is not yet fully and equally implemented throughout the country. Furthermore, the Committee is concerned about the low level of school enrolment and the high drop-out rates for girls owing to, inter alia, early marriage, the lack of learning and teaching facilities and materials, and the shortage of trained teachers.

1065. The Committee is deeply concerned that the rules of international humanitarian law applicable to children in armed conflict are being violated in the northern part of the State party's territory, in contradiction to the provisions of article 38 of the Convention. Furthermore, the Committee is concerned about the abduction, killings and torture of children occurring in this area of armed conflict and the involvement of children as child soldiers.

1066. The Committee is concerned about the administration of juvenile justice, and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as with other relevant international standards. The Committee remains particularly concerned about, inter alia, violations of the rights of children in detention centres, the remanding of children in adult prisons or police cells, long periods in custody, delays before trial, and the inadequacy of existing alternative measures to imprisonment.

1067. The Committee is concerned about the difficulties encountered by refugee and displaced children in securing access to basic education, health and social services.

1068. The Committee is concerned about the insufficiency of legal and other measures to prevent and combat the economic exploitation of children, especially child domestic workers and others in the informal sector.

1069. While the fact that the State party has recently carried out a study on children working and/or living on the street is welcome, the recent increase in the number of such children is a matter of concern. The Committee also expresses its serious concern at the increase in the number of child prostitutes and the fact that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

1070. The Committee is also concerned at the insufficiency of the measures taken by the State party for the physical and psychological recovery and social reintegration of children victims of war and abuse, and that the existing alternative care institutions lack material and financial resources and specialized personnel.

### (e) Suggestions and recommendations

1071. The Committee recommends that further steps be taken by the State party to strengthen the National Council of Children and the coordination between the various government bodies, ministries and resistance councils involved in the implementation of children's rights, at both the national and local levels. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of human and children's rights. Furthermore, the State party should strengthen the human and financial capacity of the various governmental institutions promoting children's rights.

1072. The Committee recommends that, in the context of the legal reform being undertaken by the State party in the field of children's rights, national legislation be harmonized and made fully compatible with the provisions and principles of the Convention. The Committee further recommends that the prescribed age in the various national laws be harmonized so as to eliminate inconsistencies, contradictions and gender disparities, and that the national legislation be brought into conformity with the Convention. The State party may wish to request technical assistance in this regard.

1073. The Committee also recommends that the State party review the system of data collection and analysis and identify appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. The Committee further suggests that the State party consider requesting technical assistance in this regard from, among others, the United Nations Children's Fund.

1074. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and children, in particular in the rural community; furthermore, systematic training and retraining programmes on the rights of the child should be organized for all professional groups, including members of the police and security forces and other law enforcement officials, army officials, judicial personnel, lawyers, magistrates, teachers and school administrators at all levels of education, social workers, officials of central or local administrations, personnel of child-care institutions, and health and medical personnel. The Committee further recommends that the Convention in its entirety be translated into vernacular languages.

1075. The Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education and on the enjoyment of these rights by the most disadvantaged children.

1076. The Committee further recommends that all appropriate measures, including public information campaigns, be taken to prevent and combat all forms of discrimination against girls, orphans, children with disabilities, abandoned children, children born out of wedlock, and children victims of abuse and/or sexual and economic exploitation, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

1077. The Committee recommends that special efforts be directed to the development of an effective system of birth registration. Such a system would serve as a tool for children's enjoyment of their rights.

1078. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat infant and child mortality and malnutrition. Furthermore, the Committee suggests that the Government strengthen its information and prevention programmes to combat HIV/AIDS, particularly to prevent the transmission to children of HIV/AIDS and other sexually transmitted diseases and to eliminate discriminatory attitudes towards children affected by or infected with HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health educational programmes, including for adolescents.

1079. The Committee recommends that the State party take steps to ensure the implementation of articles 28 and 29 of the Convention. The Committee urges that greater efforts be directed to training teachers, improving learning and teaching facilities and the school environment, increasing enrolment and preventing school drop-out.

1080. The Committee recommends that awareness of the duty to fully respect the rules of international humanitarian law, in the spirit of article 38 of the Convention, inter alia, with regard to children, should be made known to the parties to the armed conflict in the northern part of the State party's territory, and that violations of the rules of international humanitarian law entail responsibility being attributed to the perpetrators. Furthermore, the Committee recommends that the State party take measures to stop the killing and abduction of children and the use of children as child soldiers in the area of armed conflict. While taking note of the regional initiatives already being undertaken, the Committee also recommends that, where appropriate, the State party liaise with the Special Representative of the Secretary-General on children in armed conflict.

1081. The Committee recommends that special attention be given to the problems of ill-treatment and abuse, including sexual abuse of children within the family and corporal punishment in schools, and stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence against children, in accordance with article 19 of the Convention. The Committee also suggests that comprehensive studies on these problems be initiated in order to understand them better and to facilitate the elaboration of policies and programmes to combat them effectively, including rehabilitation programmes.

1082. The Committee recommends that the State party undertake a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance and to a judicial review. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established country-wide as a priority matter. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

1083. The Committee recommends that special attention be directed to refugee and internally displaced children to ensure that they have equal access to basic facilities.

1084. The Committee recommends that the State party adopt a strategy to tackle the problem of children working and/or living on the street. The Committee further suggests that informal education programmes be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

1085. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws in order to protect children from being economically exploited. It further suggests, inter alia, that the authorities adopt explicit legislation and measures to protect children from economic exploitation through employment as domestic servants and in other informal sectors, engage in research and collection of data, and promote integration and vocational training programmes. Additionally, the Committee suggests that the State party consider ratifying International Law Commission Convention No. 138 on minimum age for employment.

1086. The Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large, including children, and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 28. Concluding observations: Czech Republic

1087. The Committee considered the initial report of the Czech Republic (CRC/C/11/Add.11) at its 411th to 413th meetings, on 30 September and 1 October 1997 (CRC/C/SR.411-413), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

1088. The Committee welcomes the initial report and written answers to the list of issues (CRC/C/Q/CZE/1) submitted by the State party. The Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated, in a self-critical manner, not only the policy and programme directions, but also the difficulties encountered in implementing the Convention. The Committee also acknowledges the fact that the presence of a multidisciplinary delegation directly involved in the implementation of the Convention in the Czech Republic enabled it to engage in a fruitful and constructive dialogue.

### (b) Positive aspects

1089. The Committee notes with satisfaction that the State party is currently carrying out a comprehensive law reform and welcomes the initiatives undertaken by the State party to further the protection of the family and children by drafting new legislation, such as the proposed law on social and legal protection of children, and proposing amendments to existing legislation, including the Law on the Family, the Criminal Code and the Code of Criminal Procedures.

1090. The Committee views positively the initiating by the State party of a training programme for judges, the police, and several government officials dealing with children's rights in order to increase their awareness about the principles and provisions of the Convention.

1091. The Committee welcomes the initiative of the State party to establish a "crisis line for children", which provides children with a means to report cases of sexual abuse and domestic violence.

1092. The Committee notes with appreciation the long-standing achievements of the State party in the areas of education and medical care and welcomes its commitment to maintain these high standards.

### (c) Factors and difficulties impeding the implementation of the Convention

1093. The Committee acknowledges that the State party has had to face economic, social and political challenges during the past few years. It notes that the transition to a market economy has led to increased rates of unemployment, poverty and other social problems, and has had a serious impact on the welfare of the population, in particular on all vulnerable groups, including children.

### (d) Principal subjects of concern

1094. While acknowledging the openness of the State party towards the possibility of reviewing its reservation to article 7, paragraph 1, of the

Convention, the Committee remains concerned that this reservation might impede the full implementation of the Convention.

1095. The Committee is concerned at the lack of an integrated strategy for children as well as of a systematic mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of economic transition.

1096. The Committee is concerned about the need to strengthen the State party's limited capacity to develop specific disaggregated indicators to evaluate progress achieved and assess the impact of existing policies on all children, in particular children belonging to minority groups.

1097. While noting with satisfaction the existence of government bodies dealing with the welfare of children at the national and local levels, the Committee nevertheless expresses its concern that coordination among them needs to be improved in order to develop a comprehensive approach to the implementation of the Convention.

1098. The Committee expresses its concern at inadequate coordination and communication mechanisms between the Government and the non-governmental organizations dealing with children's issues.

1099. The Committee is concerned that the general principles of the Convention, as laid down in articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to vulnerable categories such as children belonging to minorities, children with disabilities, children in institutions or deprived of their liberty, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who live and/or work on the street.

1100. The Committee is concerned that sufficient measures have not been taken to disseminate and raise awareness about the principles and provisions of the Convention in all parts of society, among children and adults alike, in conformity with article 42 of the Convention.

1101. The Committee is concerned that no adequate measures have been taken to prevent and combat all forms of discriminatory practices against children belonging to minorities, including Roma children, and to ensure their full access to health, education and other social services. The Committee is concerned that the principles and provisions of the Convention are not fully respected as regards Roma children, in particular those who are in detention or otherwise institutionalized.

1102. While acknowledging recent legal measures to resolve the situation of children, especially those placed in institutions or in foster homes, who were not registered for lawful permanent residence and were thereby denied the right to citizenship, the Committee remains concerned at the fact that children and caretakers in such situations are not sufficiently informed about the procedures for applying for citizenship.

1103. In the light of article 17 of the Convention, the Committee is concerned that sufficient mechanisms do not exist to protect children from harmful information, including violence and pornography in the media.

1104. The Committee is concerned that corporal punishment is still used by parents and that internal school regulations do not contain provisions explicitly prohibiting corporal punishment, in conformity with articles 3, 19 and 28 of the Convention.

1105. The Committee is worried about the increasing problems of environmental degradation in the State party, which have a harmful impact on the health of children.

1106. In regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals dealing with disabled children.

1107. The Committee is concerned about the insufficiency of the measures taken to tackle issues of reproductive health and the incidence of early pregnancies.

1108. The Committee expresses its concern that the measures, including legal ones, being taken to address the problems of child abuse, including sexual abuse within the family, and the sale and trafficking of children, child prostitution and child pornography are insufficient. The Committee is also concerned that, as referred to in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95/Add.1), the State party may serve as a transit country for the trafficking of children.

1109. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures taken to tackle this issue.

1110. The Committee expresses its concern at the rising incidence of gambling addiction, alcohol consumption and drug abuse among children and the insufficient preventive measures taken by the State party.

1111. The system of the administration of juvenile justice, and in particular its compatibility with articles 37, 39, and 40 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee remains particularly worried, inter alia, about the rights of the child to legal assistance and judicial review, that deprivation of liberty is not used only as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

### (e) Suggestions and recommendations

1112. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to review its reservation to article 7, paragraph 1, of the Convention.

1113. The Committee takes note that a national plan of action has been drafted and encourages the State party to follow all the necessary steps to implement it. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation.

Moreover, the Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations.

1114. The Committee encourages the State party to pursue its consideration of the establishment of an independent mechanism to monitor the observance of children's rights, such as an ombudsperson or a national commission for children's rights.

1115. The Committee recommends that the State party give priority attention to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, and in evaluating progress achieved and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children belonging to minorities, children with disabilities, children ill-treated and abused within the family, children in institutions or deprived of their liberty, children who are victims of sexual exploitation and children who live and/or work on the street.

1116. The Committee recommends that further efforts be made to ensure that national laws conform fully with the Convention, having due regard to the principles of the best interests of the child, non-discrimination, respect for the views of the child, and his or her right to participate in family, school, other institutions and social life.

1117. The Committee recommends that consideration be given to incorporating the Convention in the curricula of all educational institutions and that appropriate measures be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts to providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, law enforcement personnel, army officials, teachers, school administrators, social workers, and personnel of child-care institutions.

1118. The Committee recommends that the State party undertake major efforts to develop awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population and that it envisage special programmes to improve the standard of living, education and health of Roma children.

1119. The Committee recommends that the State party take further measures in accordance with article 7, paragraph 2, of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children, especially those placed in institutions. The Committee also suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

1120. The Committee recommends that the State party envisage plans to adopt reproductive health measures designed to reduce the incidence of pregnancies among teenage girls and strengthen its information and prevention programmes to combat HIV/AIDS and other sexually transmitted diseases. The Committee also recommends that the State party take adequate measures, including awareness-raising campaigns and the provision of support services to needy families, in order to prevent the abandonment of children and to protect poor single mothers from child traffickers.

1121. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment at home, at school and in other institutions.

1122. The Committee welcomes the intention of the State party to accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and recommends that appropriate steps be taken to ensure its entry into force.

1123. In regard to children with disabilities, the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of disabled children, and envisage awareness-raising campaigns to reduce discrimination against disabled children and encourage their inclusion into society.

1124. The Committee recommends that the State party undertake more comprehensive research on the possible effects of environmental pollution on the health of children.

1125. The Committee suggests that the State party undertake a comprehensive study of child abuse and ill-treatment in the family. The Committee also recommends reinforcing its policies and programmes to prevent and combat all forms of sexual abuse, including domestic violence and incest. As regards sexual exploitation of children, the Committee encourages the State party to take into consideration the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children, as well as those of the Special Rapporteur on the sale of children, child prostitution and child pornography.

1126. The Committee encourages the State party to envisage ratifying International Labour Organization Convention No. 138, regulating the minimum age for access to employment. Furthermore, in view of the increasing phenomenon of children living and/or working on the street, it recommends that efforts be strengthened to provide social support to such children.

1127. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established.

1128. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 29. Concluding observations: Trinidad and Tobago

1129. The Committee considered the initial report of Trinidad and Tobago (CRC/C/11/Add.10) at its 414th to 416th meetings on 2 and 3 October 1997 (CRC/C/SR.414-416), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

1130. The Committee expresses its appreciation to the State party for its initial report, which followed the guidelines set by the Committee, and written answers to the list of issues (CRC/C/Q/TRI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions as well as difficulties encountered with regard to the implementation of the provisions of the Convention. The Committee, however, notes with regret that the report and the written answers did not provide statistical and disaggregated data.

### (b) Positive aspects

1131. The Committee welcomes the State party's proposal to incorporate the National Plan of Action on Children in the general development framework of the country.

1132. The Committee notes with satisfaction the establishment of the Inter-Ministerial Committee to implement the National Plan of Action on Children, as well as the National Family Services Division within the Ministry of Consumer Affairs and Social Services to monitor children at risk.

1133. The Committee notes with satisfaction the low levels of child mortality and under-five mortality rates, as well as the positive indicators in the field of education.

1134. The Committee welcomes the willingness of the State party to collaborate with non-governmental organizations and is encouraged by the subsidies that the State party grants to various national non-governmental organizations working towards the promotion and protection of children's rights within its territory.

### (c) Factors and difficulties impeding the implementation of the Convention

1135. The Committee recognizes that severe economic constraints, owing in particular to structural adjustment programmes, social difficulties and poverty, have had a negative impact on the situation of children. The Committee notes that the State party has gone through an economic recession in the past few years, which resulted in an acute increase in unemployment.

### (d) Principal subjects of concern

1136. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention. While noting that the State party identified a number of areas in legislation that need to be reformed to bring them into conformity with the principles and provisions of the Convention, the Committee is concerned that the measures adopted to harmonize national legislation with the principles and provisions of the Convention are insufficient. It also regrets that a number of legal provisions contrary to the

Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage.

1137. The Committee regrets that coordination among the bodies promoting and protecting the rights of the child is inadequate and that a comprehensive approach to the implementation of the Convention is lacking. The Committee also regrets that these bodies lack the institutional capacity, skills and financial resources to carry out their mandates.

1138. The Committee is concerned at the insufficient attention paid, at both the national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of disaggregated data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or economic exploitation, girl children, children of single-parent families, children born out of wedlock, abandoned children, institutionalized and disabled children, children living and/or working on the street and children involved with the juvenile justice system.

1139. The Committee is concerned that the measures and programmes to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources are inadequate. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

1140. The Committee expresses its concern at the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law.

1141. The Committee notes with concern that measures taken to ensure that the provisions and principles of the Convention are made widely known to adults and children alike, in accordance with article 42 of the Convention, are insufficient. Moreover, insufficient attention has been paid to the training of all professional groups working with or for children such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officers, officials of the central and local administrations, health professionals, teachers, social workers, and personnel working in child-care and detention institutions.

1142. The Committee is concerned that the State party has not yet taken fully into account in its legislation and policies the general principles of the Convention, in particular the principles of non-discrimination (art. 2), best interests of the child (art. 3) and respect for the views of the child (art. 12).

1143. In the light of article 17 of the Convention, the Committee notes with concern that no adequate efforts exist to protect children from being exposed to harmful information, including violence, especially on television.

1144. While noting the efforts undertaken by the State party, such as the enactment of the 1991 Domestic Violence Act, as well as the establishment in 1997 of a multidisciplinary committee to review national legislation related to domestic violence in order to strengthen the protection of the victims, the Committee is concerned about the insufficient awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and at the lack of appropriate measures and mechanisms to prevent and combat them. The lack of special structures for children victims of such abuse is also a matter of concern.

1145. The Committee is deeply concerned at the use of corporal punishment within the family, at school and in care institutions, as well as at the absence of a law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children.

1146. The Committee is concerned at the lack of qualified staff working in the care institutions. While taking note of the recent measures taken to improve the monitoring of care institutions, the Committee remains concerned about the persistence of reported cases of abuse.

1147. The Committee is concerned at the high maternal mortality rate. The Committee is also concerned at the spread of HIV/AIDS and its impact on children, as well as at the insufficiency of measures to prevent early pregnancy.

1148. While recognizing the efforts of the State party in the field of education, the Committee is concerned at the shortage of trained teachers and at the high pupil-teacher ratio.

1149. The Committee is concerned about the new phenomena of homelessness and children living and/or working on the street. While noting the efforts by the State party to provide services for these children, including the opening of a special home and the provision of education, the Committee remains concerned that this is not adequate to reach all children living and/or working on the street.

1150. The Committee is concerned at the increase in the economic exploitation of children, in particular those who work as street vendors. The Committee notes that the value attached by the community to education is a positive factor that helps to reduce the incidence of child labour. The Committee is also concerned at the low minimum age of access to employment, set at 12.

1151. The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the low minimum age of criminal responsibility. The Committee is also concerned that there are no requirements to present juveniles before a court in a speedy manner, that flogging is allowed by the law as a means of punishment and that corporal punishment is allowed as a means of discipline in detention centres. The Committee is also concerned that prison facilities are overcrowded, resulting in difficult living conditions for juvenile offenders, and that juvenile offenders do not always have access to education. The lack of facilities for girl juvenile offenders, which results in girls being detained with adult female offenders, is an additional source of concern to the Committee.

### (e) Suggestions and recommendations

1152. The Committee recommends that, in the context of the legal reform being undertaken by the State party in the field of children's rights, national legislation be harmonized and made fully compatible with the provisions and principles of the Convention. Such reform should in particular address the administration of justice, as well as the minimum ages for marriage, access to employment and criminal responsibility. The Committee further encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. The Committee also recommends that awareness-raising programmes on children's rights be conducted for members of Parliament to assist them in incorporating the principles and provisions of the Convention on the Rights of the Child in the legislative reform.

1153. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

1154. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society; the State party may wish to request technical assistance in this regard.

1155. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both the central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principle of the best interests of the child.

1156. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and children, in particular in the rural areas. Furthermore, systematic training and in-service training programmes on the rights of the child should be organized for professional groups working with and for children, such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations, and personnel of child-care and detention institutions.

1157. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

1158. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in audio-visual media such as television.

1159. In the light of article 19 of the Convention, the Committee recommends that the State party further strengthen its efforts to prevent and combat ill-treatment and sexual abuse of children, within and outside the family. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence, to improve the understanding of the nature and the scope of the problem, and strengthen social programmes to prevent all types of child abuse and to rehabilitate the child victims. Law enforcement should be strengthened against perpetrators of abuse, including sexual abuse; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as the establishment of a family court.

1160. In the light of articles 3, 19 and 28, paragraph 2, the Committee strongly recommends that corporal punishment within the family, at school and in care institutions be prohibited by law. It further recommends that the authorities develop and implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child, as well as establish sensitization programmes for parents.

1161. While noting the current efforts of the State party to revise its legislation on adoption, the Committee recommends that this legislation be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

1162. The Committee recommends that the State party strengthen its efforts to monitor efficiently the institutions of alternative care and develop appropriate training for the staff of these institutions.

1163. The Committee recommends that the State party adopt further measures to raise awareness on prenatal services for women. The Committee suggests that the State party further promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS. Furthermore, the Committee recommends that the State party develop measures to better include children with disabilities in society.

1164. In the area of education, the Committee suggests that further steps be taken to ensure the full implementation of articles 28 and 29 of the Convention. The Committee recommends that greater efforts be directed to training teachers and improving the school environment. The State party may wish to consider requesting further international assistance in this area.

1165. The Committee recommends that research be undertaken on the phenomenon of the children living and/or working on the street. The Committee also recommends an increase in the number of outreach programmes providing services to these children, including education, and that such services be provided in the different parts of the country.

1166. The Committee recommends that research be conducted to determine the extent of the problem of child economic exploitation and its causes. The Committee regards this as essential in helping to determine future policies in that regard. The Committee welcomes the fact that an inter-ministerial committee is looking into the possibility of ratifying International Labour Organization Convention No. 138 concerning the minimum age for admission to employment, and the Committee encourages the State party to ratify it. While noting the efforts by the State party in poverty alleviation, the Committee encourages the State party to further increase its poverty alleviation programmes and schemes, and to further strengthen its social welfare system.

1167. The Committee recommends that legal reform in the field of the administration of juvenile justice be pursued, taking fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles

Deprived of Their Liberty. In particular, the Committee recommends that the minimum age of criminal responsibility be raised. The Committee also recommends that the State party provide alternatives to detention, as well as special facilities for girl juvenile offenders. The Committee also recommends that corporal punishment in detention as a means of discipline, and flogging as a means of punishment, be abolished in the legislation and in practice.

1168. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and the written replies presented by the State party be made widely available to the public at large and that these documents be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 30. Concluding observations: Togo

1169. The Committee considered the initial report of Togo (CRC/C/3/Add.42) at its 420th to 422nd meetings, on 7 and 8 October 1997 (CRC/C/SR.420-422), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

### (a) Introduction

1170. The Committee welcomes the submission of the initial report of Togo and also expresses its appreciation with regard to the dialogue held with the State party. While the Committee expresses its satisfaction with the additional oral information provided by the State party in the course of the dialogue, it nevertheless regrets that it did not receive in written form answers to the list of issues (CRC/C/Q/TOGO/1) submitted by the Committee.

### (b) Positive aspects

1171. The Committee notes that, in 1992, the State party adopted a new Constitution which includes provisions that promote and protect human rights. It also notes the establishment of a National Human Rights Commission in 1987 and a Ministry for Human Rights and Rehabilitation in 1992. The Committee also welcomes the fact that the 1992 Constitution guarantees the superiority of international human rights instruments which are incorporated into national legislation and that those treaties can be invoked before courts. Furthermore, it welcomes the willingness of the State party to envisage ratifying the African Charter on the Rights and Welfare of the Child.

1172. The Committee welcomes the establishment in 1993 of the National Committee for the Protection and Promotion of Children.

1173. The Committee notes with appreciation the steps taken by the State party to translate into Kabyè and Ewé the Convention on the Rights of the Child.

1174. The Committee welcomes the emergence of national non-governmental organizations and the steps to enhance cooperation between them and the Government.

### (c) Factors and difficulties impeding the implementation of the Convention

1175. The Committee notes that Togo is among the group of least developed countries and that a large part of its population is living below the poverty level. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

### (d) Principal subjects of concern

1176. The Committee notes with concern that currently several provisions of the national legislation, inter alia in the areas of civil rights, including right to nationality, as well as adoption, labour and juvenile justice, are not in conformity with the provisions and principles of the Convention on the Rights of the Child.

1177. While noting the establishment of the National Committee for the Protection and Promotion of Children, the Committee remains concerned about the lack of human and financial resources and the institutional status of the National Committee. In this regard, the Committee is concerned about the National Committee's capacity to effectively coordinate programmes and policies both between concerned ministries and between central and local levels. Furthermore, the Committee is worried that the State party has not yet adopted a national plan of action.

1178. The Committee is concerned at the lack of a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children in urban and rural areas. The Committee is also concerned about the State party's limited capacity to collect and process data, as well as specific indicators, to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

1179. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the absence of policies and measures to fully guarantee economic, social and cultural rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

1180. The Committee is concerned at the lack of harmonization in the State party between the different legal minimum ages and their compatibility with the provisions and principles of the Convention, in particular articles 1 and 2.

1181. In the light of article 2 of the Convention, the Committee remains concerned about the persistence of discriminatory practices against some groups of children, especially girls and disabled children, as well as children living in rural areas, which often results in limited access to basic social facilities, such as health and education.

1182. Concern is expressed by the Committee at the insufficiency of the measures taken to ensure the effective implementation of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12) of the Convention in relation to legal, judicial and administrative decisions, as well as to the political decision-making process.

1183. The Committee expresses its concern regarding the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike. It is also concerned at the lack of sufficient training for professional groups working with or for children, such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

1184. In relation to article 7 of the Convention, the Committee is concerned that in many cases children are not registered at birth and that the enjoyment by non-registered children of their rights might be seriously hindered.

1185. The Committee is concerned at the fact that corporal punishment is a common practice in the family, in schools and in other institutions. In this regard, the Committee is worried at the absence of a comprehensive law that clearly prohibits corporal punishment of children.

1186. In the light of article 17 of the Convention, the Committee notes with concern that no mechanism exists to protect children from being exposed to harmful information, including pornography.

1187. With regard to the right of the child to express his or her views (art. 12) and his or her right to freedom of expression (art. 13), the Committee is concerned at the prevailing attitudes in the family, in school, in other institutions and in society that hinder the enjoyment of those rights.

1188. The Committee is also concerned at the increase in the number of children living and/or working on the street in major cities. The Committee is further concerned at the lack of statistical data and studies on such children.

1189. With regard to adoption, the Committee is concerned at the absence of a comprehensive legal framework that fully conforms to article 21 and the other relevant provisions of the Convention.

1190. In the light of article 19 of the Convention, the Committee is worried about the persistence of child abuse, including ill-treatment within the family, and the absence at the administration level of an appropriate mechanism to prevent and combat this phenomenon.

1191. The Committee is concerned at the difficult health situation faced by a majority of children, inter alia, the high under-five child mortality rate, weak nutritional status, high incidence of malaria and iodine deficiency, and limited access to clean water and safe sanitation. It is also worried at the spread of HIV/AIDS throughout the population of the country, which bears a direct impact on the lives of children. The incidence of early pregnancies is also a matter of concern.

1192. The Committee remains concerned at traditional attitudes and harmful practices, in particular female genital mutilation, which still prevail in some regions.

1193. With regard to the right to education (arts. 28 and 29), while noting that the principle of free, universal and compulsory basic education for all children is recognized by the State party, the Committee is concerned at the low level of school enrolment and the high drop-out rate, especially among girls, resulting in high illiteracy rates, the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas. Furthermore, in the light of article 31 of the Convention, the Committee is concerned at the lack of appropriate playgrounds.

1194. In the light of articles 2, 3 and 22 of the Convention, the Committee is concerned about the absence of a legal framework to protect refugee and internally displaced children. The Committee is also concerned that a refugee child has to reach the age of 18 years to acquire Togolese citizenship.

1195. The Committee is concerned about the insufficiency of legal and other measures to adequately prevent and combat economic exploitation of children, especially in the informal sector. The Committee is also seriously worried about the widespread sale and trafficking of children which result in their economic and sexual exploitation.

1196. The Committee is concerned at the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon.

1197. The Committee is concerned at the absence of comprehensive information and data concerning sexual abuse and exploitation of children, including in the family and when serving as domestic workers.

1198. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern. The Committee remains particularly concerned about, inter alia, the violations of the rights of the child in detention centres, especially when not separated from adult detainees, the length and conditions of pre-trial detention, the existence of only one judge for minors and one centre specifically for boys in conflict with the law, the lack of access to legal assistance and the inadequacy of existing alternative measures to imprisonment.

### (e) Suggestions and recommendations

1199. The Committee recommends that the State party initiate a comprehensive study on the compatibility of national legislation with the principles and provisions of the Convention on the Rights of the Child with a view to engaging in a law-reform process which would result in the enactment of a comprehensive children's code. In this regard, the Committee suggests that the State party may wish to seek technical assistance.

1200. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, it recommends that the role and resources of the National Committee for the Protection and Promotion of Children be reinforced. It encourages the State party to increase its cooperation with non-governmental organizations.

1201. The Committee also recommends that the State party give priority attention to the development of a system of data collection and analysis, as well as to the identification of appropriate disaggregated indicators, with a view to addressing all areas of the Convention and all groups of children in society.

Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, the girl child, children ill-treated and abused within the family and in other institutions, children deprived of their liberty, children living in rural areas, children who are victims of sexual exploitation, refugee children and children living and/or working on the street. It is further suggested that the State party request international cooperation in this regard from, among others, the United Nations Children's Fund.

1202. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children, particularly the most disadvantaged. In this regard, the Committee suggests that the State party envisage reallocating resources towards fully implementing the Convention.

1203. The Committee recommends that the State party take all appropriate measures to fully harmonize legal minimum ages with the provisions and principles of the Convention.

1204. The Committee further recommends that all appropriate measures be taken by the State party, including public information campaigns, to prevent and combat all forms of prevailing discriminatory attitudes against girls and children with disabilities, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

1205. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the best interests of the child (art. 3) and the participation of children (art. 12), not only guide policy discussions and formulation and decision-making, but also are appropriately reflected in any judicial and administrative decisions and in the development and implementation of all projects and programmes which have an impact on children.

1206. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the curricula of educational institutions, and appropriate measures should be taken to facilitate access by children to information produced on their rights. Special attention should also be given to sensitize community and religious leaders about the Convention, especially its general principles. The Committee also suggests that, within the framework of the existing technical assistance programme with the Office of the United Nations High Commissioner for Human Rights, the State party further engage its efforts towards developing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

1207. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention.

1208. In the light of articles 3, 19 and 28, paragraph 2, the Committee strongly recommends that corporal punishment be explicitly prohibited by law and that information campaigns be launched to appropriately sensitize adults on the dangers and harms of the practice. The Committee further recommends that the legislation protecting children from violence be amended in accordance with the provisions and principles of the Convention.

1209. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media and in the media using new technologies.

1210. In the light of articles 12 and 13 of the Convention, the Committee recommends that the State party take all appropriate measures to promote and guarantee the right of the child to freedom of expression at home, in school, in other institutions and in society.

1211. With a view to fully protecting the rights of children in the framework of adoption, the Committee recommends that the State party review its adoption laws in the light of article 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

1212. With a view to combating all forms of child abuse, especially ill-treatment within the family, the Committee recommends that the State party take all appropriate measures, including law enforcement and rehabilitation measures.

1213. The Committee encourages the State party to undertake to prevent and combat the phenomenon of children working and/or living on the street by, inter alia, engaging in research and collection of data, promoting integration and vocational training programmes, and guaranteeing equal access to health and social services.

1214. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat under-five mortality, malnutrition, malaria and iodine deficiency, and to improve access to clean water and safe sanitation.

1215. The Committee suggests that the State party strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmitted diseases, as well as discriminatory practices towards children affected or infected by HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health programmes, including for adolescents.

1216. The Committee shares the view of the State party that serious efforts are required to address harmful traditional practices such as female genital mutilation. Taking note of the current efforts undertaken to draft specific legislation to prohibit the practice of female genital mutilation, the Committee encourages the rapid enactment of such a law, which is fully compatible with the Convention. It also recommends that public campaigns involving all sectors of society, including traditional leaders, be developed and pursued with a view to changing attitudes. In this regard, all appropriate action should be taken on a priority basis.

1217. In accordance with article 28 (a) of the Convention, the Committee encourages the State party in its efforts to make primary education compulsory and available free to all. It also encourages the State party to implement measures to improve school enrolment and school retention, especially for girls. A system for the regular evaluation of the effectiveness of these and other educational measures, including quality of teaching, must be ensured. In the spirit of article 29 of the Convention, further steps should be taken to develop guidelines for the participation of all children in the life of the school, in conformity with the principles and provisions of the Convention. Furthermore, the State party is encouraged to provide more appropriate playgrounds for children.

1218. In the spirit of articles 2, 3 and 22 of the Convention, the Committee recommends that the State party make all appropriate efforts to ensure easy and full access to basic services, including in the areas of education, health and social services, to refugee children living under its jurisdiction.

1219. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws and International Labour Organization Convention No. 138 regarding the minimum age for employment in order to protect children from being economically exploited, especially as domestic servants. It further suggests that the authorities adopt legislation and measures to protect children from exploitation through child labour in the informal sector. The Committee also recommends that the State party take appropriate measures, including cooperation agreements with neighbouring countries, to prevent and combat the trafficking and sale of children.

1220. With a view to preventing and combating drug and substance abuse among children, the Committee recommends that the authorities take all appropriate measures, such as public information campaigns, including in schools and in other institutions. It also encourages the State party to support all rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from relevant international organizations, such as the World Health Organization.

1221. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It also recommends that the authorities undertake studies with a view to designing and implementing appropriate policies and measures, including in the areas of law enforcement and rehabilitation, to combat this phenomenon comprehensively and effectively. The Committee wishes in this regard to draw the attention of the State party to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

1222. The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially guaranteeing their separation from adult detainees, reducing the length of pre-trial detention, increasing the number of judges for minors and the number of specific rehabilitation centres for boys as well as for girls in conflict with the law, giving access to legal assistance and promoting alternative measures to imprisonment. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking and reinforcing existing technical assistance for this purpose from, among others, the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat.

1223. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 31. Concluding observations: Libyan Arab Jamahiriya

1224. The Committee considered the initial report of the Libyan Arab Jamahiriya (CRC/C/28/Add.6) at its 432nd to 434th meetings, on 8 and 9 January 1998 (CRC/C/SR.432-434), and, at its 453rd meeting, on 23 January 1998, adopted the following concluding observations.

### (a) Introduction

1225. The Committee expresses its appreciation to the State party for its report, which has been prepared in conformity with the Committee's guidelines, and for the submission of written replies to its list of issues (CRC/C/Q/LIBYA.1). The Committee notes the constructive dialogue it had with the delegation of the State party, and the replies it received from the delegation during the dialogue. The Committee also notes the supplementary information provided by the delegation during the consideration of the report.

### (b) Positive aspects

1226. The Committee welcomes the fact that the Convention is self-executing and that its provisions may be invoked before the courts in the State party.

1227. The Committee notes with satisfaction the range of services provided by the State party, especially in the fields of health and education. The Committee particularly notes that education is free of charge and that primary school attendance is nearly universal. The Committee also notes with satisfaction that health services are free for all children, breastfeeding has reached the level of 91 per cent, and that a range of specialized services and facilities exist for persons with disabilities, including children.

### (c) Factors and difficulties impeding the implementation of the Convention

1228. In the light of general comment No. 8 adopted by the Committee on Economic, Social and Cultural Rights, the Committee notes that the imposition by the Security Council of an aerial embargo on the State party has adversely affected the economy and many aspects of the daily life of its citizens, thereby impeding the full enjoyment by the State party's population, including children, of their rights to health and education.

### (d) Principal subjects of concern

1229. The Committee is concerned that domestic legislation is not in full conformity with the principles and provisions of the Convention.

1230. The Committee, while noting with appreciation of existence of various government bodies responsible for the welfare of children at the national and local levels, regrets the lack of adequate coordination among these bodies in promoting and protecting the rights of the child and developing a comprehensive approach to the implementation of the Convention.

1231. The Committee acknowledges that efforts have been made by the State party to promote awareness of the provisions of the Convention in schools. The Committee remains concerned, however, that insufficient steps have been taken to date to promote awareness and understanding of the principles and provisions of the Convention among both children and adults. The Committee is particularly concerned that the training on children's rights provided to professionals working with and for children appears to be insufficient and unsystematic.

1232. The Committee is concerned that no adequate measures have been taken for the development of indicators and the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee is particularly concerned about the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, violence and abuse.

1233. The Committee wishes to express its general concern that the State party does not appear to have taken fully into account the provisions of the Convention, especially its general principles, as reflected in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. While noting the existence of mechanisms to register and address complaints, the Committee is concerned at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the law.

1234. The Committee regrets that the Great Green Document on Human Rights, promulgated by the General People's Congress, does not include an express prohibition of discrimination on the basis of language, national, ethnic or social origin, property, disability and birth status. The Committee is especially concerned at discrimination against children of migrant workers and non-citizens, and children born out of wedlock. The Committee is also concerned

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See Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22).

that although the Great Green Document on Human Rights prohibits discrimination on the basis of sex, there are still disparities in legislation and practice, in particular with regard to inheritance rights. The Committee is further concerned that in the light of Libyan legislation regarding citizenship, decisions related to the acquisition of nationality are based only on the status of the father.

1235. In the light of articles 2 and 3 of the Convention, the Committee is concerned at the continued use of the term "illegitimate children", to refer to children born out of wedlock, in administrative instructions and regulations by the State party, which could lead to discriminatory practices against these children.

1236. The Committee notes with deep concern that the law applicable in the case of rape of a minor excuses the perpetrator of the crime from penal prosecution if he is prepared to marry his victim.

1237. The Committee expresses its concern about the lack of prohibition in local legislation of the use of corporal punishment, however light, at home. In the view of the Committee, this contravenes the principles and provisions of the Convention.

1238. The Committee is concerned at the existence of child abuse and violence within the family.

1239. While noting improvements in the overall nutritional status of children in the State party, the Committee notes with concern that diarrhoea and chronic under-nutrition or stunting in children under the age of five are still widespread.

1240. The Committee is concerned at the situation of the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

### (e) Suggestions and recommendations

1241. The Committee recommends that the State party review its legislation with the aim of reforming it so that it conforms fully with the Convention. The Committee suggests that the State party consider enacting a children's code. The Committee recommends specifically that the legislation explicitly prohibit discrimination on any grounds, including language, national, ethnic or social origin, property, disability and birth status. The Committee also recommends that domestic legislation be reformed to guarantee the right to a nationality to every child in the light of article 7 of the Convention.

1242. The Committee recommends that further steps be taken by the State party to strengthen coordination between the various government bodies involved in children's rights at both the national and local levels as well as between the ministries, and that greater efforts be made to ensure closer cooperation with non-governmental organizations working in the field of human and children's rights.

1243. The Committee recommends that the State party consider designing and implementing a special plan of action for children reflecting a comprehensive approach to children's rights and incorporating all aspects and provisions of the Convention.

1244. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee also recommends that systematic training and retraining programmes on the rights of the child be organized for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, social workers, officials of central or local administrations, personnel of child-care institutions, the mass media, and the public at large. The Committee suggests that the State party incorporate the Convention in school and university curricula. The Committee also suggests that the State party seek technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund for organizing such training and curricula reform.

1245. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable children and children in especially difficult circumstances, including those who are victims of abuse or ill-treatment, child workers, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned, institutionalized and with disabilities. Adequate disaggregated data should be gathered and analysed in order to assess progress achieved in the realization of children's rights and to help in defining policies to better implement the provisions of the Convention. With respect to the latter issue, the Committee recommends that further studies and follow-up surveys on vulnerable groups of children be initiated and that the State party consider seeking technical assistance from, inter alia, the United Nations Children's Fund and the International Labour Organization.

1246. The Committee recommends that the State party consider the introduction of a number of policies and programmes that guarantee implementation of the existing legislation through adequate services, remedies and rehabilitation programmes. The Committee also recommends that the State party consider the establishment of an independent body for monitoring the implementation of the Convention.

1247. The Committee recommends that the State party abolish the use of the term "illegitimate children" in its legislation, policies, programmes, regulations and administrative instructions.

1248. The Committee further recommends that, in the light of article 2 of the Convention, adequate measures be taken to ensure the protection and enjoyment of rights by non-citizens who are under the jurisdiction of the State party.

1249. The Committee recommends that further studies be conducted in relation to the widespread chronic malnutrition or stunting and diarrhoea. Such research would help guide policies and programmes to reduce the occurrence of stunting. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the United Nations Children's Fund and the World Health Organization in this regard.

1250. In the light of article 44, paragraph 4, of the Convention, the Committee requests the State party to provide it with further information on the legislation that excuses the perpetrator of the crime of rape from penal prosecution if he is prepared to marry the victim. In the Committee's view, this could interfere with the victim's free will and could lead to early marriage.

1251. The Committee notes with satisfaction the availability of facilities and services for persons with disabilities, including children. The Committee recommends that the State party enhance the approach by which disabled children are included in mainstream facilities and their natural environment, while still receiving specialized programmes and facilities as needed. The Committee draws the attention of the State party to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993).

1252. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, with the aim of prohibiting corporal punishment at home. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. The Committee recommends that cases of abuse and ill-treatment of children, including rape and sexual abuse within the family, are properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases, with due regard given to protecting the right to privacy of the child. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

1253. The Committee recommends the State party undertake research on the issue of domestic violence and child abuse which identifies the extent of the problem and provides socio-economic background information and analysis on the families facing these problems.

1254. The Committee recommends that the State party envisage taking further steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Children's Fund.

1255. To ensure that all refugee children or children seeking refugee status enjoy their rights under the Convention, the Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

1256. The Committee recommends that research be carried out on the situation of child labour in the State party, including the involvement of children in hazardous work, to identify its causes and the extent of the problem.

1257. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including concerned non-governmental organizations.

## 32. Concluding observations: Ireland

1258. The Committee considered the initial report of Ireland (CRC/C/11/Add.12) at its 436th to 438th meetings, on 12 and 13 January 1998 (CRC/C/SR.436-438), and, at its 453rd meeting, on 23 January 1998, adopted the following concluding observations.

### (a) Introduction

1259. The Committee expresses its appreciation to the State party for its comprehensive report, which has been prepared in conformity with the Committee's guidelines and for the submission of written replies to its list of issues, which were communicated to it before the session, as well as the detailed additional information provided during the course of the discussion, which enabled the Committee to assess the situation of the rights of the child in Ireland. The Committee further welcomes the constructive, frank and open dialogue with the delegation of the State party.

### (b) Positive aspects

1260. The Committee appreciates the State party's commitment to adopting further measures for the implementation of the rights of the child as recognized in the Convention. The Committee notes with satisfaction the welfare services established for the benefit of the children and their families. The Committee also appreciates the high level of education and advanced health system established in the State party.

1261. The Committee notes the recent efforts undertaken by the State party in the filed of law reform. The Committee welcomes the planned constitutional revision for the incorporation of the principles and provisions of the Convention. The Committee also welcomes the enactment of the Child Care Act of 1991 and its amended version of 1997, the Family Law Act of 1995, the Domestic Violence Act of 1996, the Family Law (Divorce) Act of 1996 and the drafting of the Education and Adoption Bills.

1262. The Committee commends the numerous efforts and concrete measures taken by the State party to protect children from sexual exploitation, including sex tourism. The Committee also especially welcomes the enactment of the Sexual Offences (Jurisdiction) Act of 1996 and the drafting of the Child Trafficking and Pornography Bill of 1997, which, *inter alia*, awards jurisdiction to domestic courts to prosecute citizens and/or residents who engaged in child sex tourism abroad as well as those who organize and publicize child sex tourism in the State party.

### (c) Principal subjects of concern

1263. The Committee regrets that the State party's approach to the rights of the child appears to be somewhat fragmented, as there is no comprehensive national policy which fully incorporates the principles and provisions of the Convention, encompassing all the areas covered by the Convention.

1264. The Committee is also concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the child rights-based approach enshrined in the Convention. In addition, the Committee is concerned that not enough emphasis is placed on measures of a preventive nature.

1265. While noting the establishment of various government bodies responsible for the welfare of children at the national and local levels, the Committee regrets the lack of adequate coordination among these bodies in promoting and protecting the rights of the child.

1266. While the Committee welcomes the decision to establish a Social Services Inspectorate as supervising mechanism, it remains concerned about the lack of an independent monitoring mechanism such as an ombudsperson or a child rights commissioner who would be accessible to children and would deal with complaints of violations of their rights and provide remedies.

1267. The Committee draws the attention of the State party to certain lacunae in the statistical and other information collected by the State party, including with respect to the selection and development of indicators to monitor the implementation of the principles and provisions of the Convention. The Committee notes that in certain instances statistics on the situation of children are being collected only for children up to the age of 15.

1268. The Committee is of the view that insufficient steps have been taken to promote widespread awareness of the Convention, and remains concerned at the lack of adequate and systematic training on the principles and provisions of the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, including police officers, health professionals, teachers, social workers, community workers and personnel working in child-care institutions.

1269. Although the Committee welcomes the willingness of the State party to collaborate with non-governmental organizations, it is of concern that the potential of the non-governmental sector in contributing to the development of childrens' rights policy is not fully realized.

1270. In relation to the definition of the child (art. 1 of the Convention), the Committee is concerned at the various low age-limits set in the domestic legislation of the State party.

1271. With respect to the principle of non-discrimination (art. 2), the Committee is concerned at the disparities with regard to access to education and health services. While recognizing the steps already taken, the Committee notes with concern the difficulties still faced by children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children from poor families and refugee children, as to the enjoyment of their fundamental rights, including access to education, housing and health services.

1272. Regarding the implementation of article 12 of the Convention, the Committee is concerned that the views of the child are not generally taken into account, including within the family, at schools and in society. The Committee is also concerned that procedures for hearing children are not fully considered in the legislation.

1273. The Committee is concerned about the lack of prohibition in legislation of corporal punishment within the family. In the view of the Committee, this contravenes the principles and provisions of the Convention. The Committee is also concerned about the existence of child abuse and violence within the family and the lack of mandatory reporting mechanisms for cases of child abuse.

1274. The Committee is concerned about the disadvantaged situation of children born of unmarried parents owing to the lack of appropriate procedures to name the father in the birth registration of the child. This also has an adverse impact on the implementation of other rights in relation to adoption which, under current regulations, can take place without the consent of the father. The Committee is further concerned about the lack of guarantees for the child to maintain contact with both parents after divorce.

1275. The Committee is concerned about the low rate of breastfeeding in the State party and the lack of awareness of its positive impact on children's health.

1276. The Committee is concerned about the incidence of teenage suicide. The Committee is also concerned at the lack of adequate programmes addressing adolescent health-related problems, such as drug and alcohol abuse and early pregnancies.

1277. The Committee is concerned about the lack of a national policy to ensure the rights of children with disabilities and the lack of adequate programmes and services addressing the mental health of children and their families.

1278. While acknowledging the existence of a National Anti-Poverty Strategy, the Committee is particularly concerned about the incidence of child poverty and homeless children in the State party and encourages it to strengthen measures and programmes for the protection of the rights of the most vulnerable children.

1279. The Committee is concerned about the situation of children who are excluded from schools because of sanctions imposed by teachers and the adverse effect generated which may sometimes impact on drop-out rates and school attendance.

1280. The Committee is concerned about the low age of criminal responsibility and the treatment of children deprived of their liberty, particularly in the light of the principles and provisions of the Convention and other relevant international standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

### (d) Suggestions and recommendations

1281. The Committee recommends that the State party take all appropriate measures to accelerate the implementation of the recommendations of the Constitutional Review Group for the inclusion of all the principles and provisions of the Convention and the implementation of the Child Care Act of 1997, thereby reinforcing the status of the child as a full subject of rights.

1282. In view of the fact that the Convention can only be referred to before the courts as a means of interpretation of national legislation, the Committee recommends that the State party take further steps to ensure that the Convention is fully incorporated as part of the domestic law, taking due account of its general principles as defined in article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

1283. The Committee encourages the State party to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

1284. The Committee encourages the State party to ensure the full implementation of article 4 of the Convention. In the light of the general principles of the Convention, in particular the best interests of the child, the Committee also emphasizes the need to take immediate steps to tackle the problem of child poverty and to make all possible efforts to ensure that all families have adequate resources and facilities. The Committee also encourages the State party to use the principles and provisions of the Convention as a framework for its programmes of international development assistance.

1285. The Committee suggests that the State party adopt a comprehensive national strategy for children, incorporating the principles and provisions of the Convention in a systematic manner in the designing of all its policies and programmes.

1286. The Committee, while noting the position of the State party, recommends that it reconsider the establishment of an independent monitoring body, such as an ombudsperson or a child rights commissioner, to address children's rights violations.

1287. The Committee recommends that coordination between the different government bodies dealing with children's rights be strengthened. In this regard, the Committee recommends that the State party concentrate in a single body the mandate to coordinate and make the appropriate decisions to protect the rights of the child.

1288. The Committee recommends that the system of data collection and development of indicators be adjusted to include all children up to the age of 18, with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable children and children in especially difficult circumstances. Adequate disaggregated data should be gathered and analysed in order to monitor and assess progress achieved in the realization of children's rights and to help define policies to be adopted to strengthen the implementation of the provisions of the Convention.

1289. The Committee encourages the State party to continue and strengthen its efforts to develop a closer relationship with non-governmental organizations.

1290. The Committee recommends that the State party promote human rights education in the country and create a wider awareness and understanding of the principles and provisions of the Convention. The Committee also encourages the State party in its current efforts to develop a systematic information campaign on children's rights for children and adults alike. Furthermore, children's rights should be incorporated in the curricula of all educational and pedagogical institutions and comprehensive training programmes on the Convention should be conducted for professional groups working with and for children such as judges, lawyers, law enforcement personnel, including police officers, immigration officers, health professionals, teachers, social and community workers, and personnel working in child-care institutions.

1291. The Committee recommends that the State party strengthen its efforts to ensure that children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children living in poverty and refugee children, benefit from positive measures aimed at facilitating access to education, housing and health services.

1292. The Committee recommends that the State party systematically promote and facilitate children's participation and respect for their views in decisions and policies affecting them, especially through dialogue in the family, at school and in society, in the light of articles 12, 13 and 15 of the Convention.

1293. The Committee recommends that the State party take appropriate measures to establish, as far as possible, procedures for the inclusion of the name of the father on the birth certificates of children born of unmarried parents.

1294. The Committee recommends the State party to implement the World Health Assembly resolution on infant feeding.

1295. The Committee recommends that in the light of article 23 of the Convention, the State party develop programmes to facilitate the active participation in the community of children with disabilities. The Committee also encourages the State party to pursue further efforts to ensure the implementation of integrated mental health programmes and approaches and to make available the necessary resources and assistance for these activities.

1296. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, to prohibit and eliminate the use of corporal punishment within the family. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. The Committee also believes that cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken, with due regard to the principle of respect for the child's privacy.

1297. The Committee recommends that the State party take all available measures to ensure the prompt enactment of the Children Bill of 1996, especially in relation to the administration of the juvenile justice system, with due regard to the principles and provisions of the Convention and other relevant international standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

1298. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

## 33. Concluding observations: Federated States of Micronesia

1299. The Committee considered the initial report of the Federated States of Micronesia (CRC/C/28/Add.5) at its 440th and 441st meetings, on 14 January 1998 (CRC/C/SR.440-441), and, at its 453rd meeting, on 23 January 1998, adopted the following concluding observations.

### (a) Introduction

1300. The Committee expresses its appreciation to the State party for the submission of its initial report and its written answers to the list of issues. The Committee is encouraged by the frank, self-critical and cooperative tone of the report and of the dialogue. The Committee, however, notes with regret that the data in the report were not up to date. The Committee also regrets the fact that some questions remained unanswered. The Committee welcomes the commitment by the delegation to answer those questions in writing.

### (b) Positive aspects

1301. The Committee takes note of the establishment in 1995 of the President's National Advisory Council for Children, together with the State-level Advisory Councils for Children.

1302. The Committee notes the draft legislation on sexual abuse and exploitation of children which is currently before Congress.

### (c) Factors and difficulties impeding the implementation of the Convention

1303. The Committee takes note of the particular nature of the Federation, its geographical configuration comprising 607 islands, the relatively small population composed of a number of different and isolated communities, as well as the changes in the economic structures.

### (d) Principal subjects of concern

1304. The Committee is concerned that domestic legislation does not fully conform to the provisions and principles of the Convention. In particular, the Committee is concerned at the absence of legislation regulating child labour providing for a minimum age for employment, the absence of a clear definition of the minimum age for criminal responsibility, the low minimum age for sexual consent, the lack of harmonization between the different ages of sexual consent among the four States, and the lack of legislation on neglect, abuse and sexual exploitation. The Committee is also concerned at the possible conflicts between customary and statutory law, in particular for marriage and adoption.

1305. The Committee is concerned that the National Plan of Action for Children (1995-2004) is still in draft form.

1306. The Committee is concerned that insufficient attention has been paid to the provisions of article 4 of the Convention concerning budgetary allocations "to the maximum extent of available ... resources and, where needed, within the framework of international cooperation".

1307. The Committee is concerned at the lack of an operational budget for the President's National Advisory Council for Children, its lack of human resources and its unclear role in relation to the monitoring of all areas covered by the Convention and in relation to all groups of children.

1308. The Committee is concerned at the disparities between the different States' legislation and practices. The Committee is also concerned at the insufficient coordination between the central level and the four Federated States.

1309. The Committee is concerned at the insufficient attention paid to systematic, comprehensive and disaggregated qualitative and quantitative data collection at the national, State and local levels, and to the identification of appropriate indicators and mechanisms to evaluate the progress and the impact of policies and measures adopted for all areas covered by the Convention, especially the most hidden such as child abuse or ill-treatment, but also in relation to all groups of children, including girl children.

1310. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children.

1311. The Committee is concerned at the lack of conformity of the birth registration system with article 7 of the Convention, as well as the lack of reliability of the death registration system.

1312. The Committee is concerned at the fact that the State party does not appear to have taken fully into account the provisions of the Convention, especially its general principles as contained in articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

1313. As regards the implementation of article 2, the Committee is particularly concerned at the insufficient measures adopted to ensure the full enjoyment by girl children of the rights recognized in the Convention. The Committee is concerned at the difference with regard to the minimum age of marriage for boys and girls, as well as the possibility for girls to marry at an earlier age than 16. The Committee is also concerned at the existence of a caste system, especially in Yap State, and its incompatibility with the provisions of article 2.

1314. In the light of article 17 of the Convention, the Committee is concerned at the lack of appropriate measures to protect children from the harmful effects of the print, electronic and audio-visual media, in particular violence and pornography.

1315. While taking note of the efforts undertaken by the State party, such as the Child Abuse and Neglect Programme, the Committee is concerned at the insufficient awareness of and the lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the absence of specific laws in all the States and of appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for such children and their limited access to justice are also matters of concern.

1316. The Committee is concerned that both customary and statutory adoption, including intercountry adoption, do not conform fully with the principles and provisions of the Convention, in particular article 21.

1317. While taking note of the positive results of the joint Chuuk State-UNICEF Vitamin A Deficiency and Vermox Programme, the Committee is concerned at the prevalence of malnutrition and vitamin A deficiency in the State party, as well as the limited access to safe water and adequate sanitation. The Committee is also concerned at problems of adolescent health, in particular the high and increasing rate of early pregnancies, the lack of access by teenagers to reproductive health education and services, the insufficient preventive measures against HIV/AIDS, as well as the insufficient sexual education at school. While note is taken of the efforts of the State party, such as the existence in the four States of a telephone hotline, the Committee is concerned in particular about the high rate of suicides among teenagers and the insufficiency of financial and human resources for its prevention. While taking note of such efforts of the State party as school and community-based education programmes, the Committee is concerned at the incidence of drug and alcohol abuse among youth, the insufficient legal framework, as well as the insufficient social and medical programmes or services to tackle those issues.

1318. In the light of article 29, paragraph 1, of the Convention, the Committee is concerned that the school curriculum does not include education on the rights of the child. The insufficient leisure opportunities are also a matter of concern.

1319. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the absence of a clear definition for minimum age of criminal responsibility, as well as the apparent absence of special legal procedures for juvenile offenders.

### (e) Suggestions and recommendations

1320. The Committee recommends that the State party initiate a comprehensive review of existing legislation, at both the national and state levels, with a view to undertaking adequate legislative reforms to ensure full conformity of its legislation with the principles and provisions of the Convention. The Committee recommends that all appropriate measures be taken by the State party, including awareness-raising campaigns, to harmonize customary practices and law, such as those pertaining to marriage and adoption, with the principles and provisions of the Convention. In case of conflict between customary and statutory law, the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3) should be the primary considerations. The Committee also suggests that the State party envisage the adoption of a specific code or legislation for children and adolescents, with a separate section on children who need special protection. International cooperation with, inter alia, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund can be sought to this effect.

1321. The Committee recommends that the National Plan of Action be enacted.

1322. The Committee encourages the State party to accede to other major international human rights treaties, especially those related to children, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

1323. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure appropriate distribution of resources at all levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and where needed within the framework of international cooperation, as well as in the light of the principles of non-discrimination and of the best interests of the child (arts. 2 and 3).

1324. The Committee recommends that the President's National Advisory Council for Children be provided with adequate financial and human resources in order to carry out its mandate and that its composition be broadened. The Committee encourages this body to develop further cooperation with non-governmental organizations. The Committee also stresses the need to strengthen the capacity of the Council to ensure coordination between all levels and to monitor and assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention, and in particular to monitor regularly the impact of economic transition on children.

1325. The Committee further recommends that the State party begin to develop a comprehensive system of collecting disaggregated data in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. The Committee strongly encourages the State party to seek to this effect international cooperation with, *inter alia*, the United Nations Children's Fund.

1326. The Committee strongly encourages the State party to strengthen its efforts to make the principles and provisions of the Convention widely known by adults and children alike, in the light of article 42 of the Convention. It encourages the State party to further increase, through the print, electronic and audio-visual media, public awareness of the rights of the child and to try to incorporate the Convention as much as possible in the school curriculum. It also suggests that the State party pursue its efforts to develop appropriate material to further promote the Convention. The Committee suggests that the State party seek assistance from, *inter alia*, the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization in this regard.

1327. The Committee encourages the State party to continue its efforts to provide training to professional groups working with and for children. The Committee suggests that the State party seek assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund in this regard.

1328. In order to strengthen the partnership with all components of the civil society in implementing the Convention, the Committee strongly encourages the State party to strengthen its cooperation with non-governmental organizations.

1329. The Committee recommends that the State party take all appropriate measures to improve birth registration, in the light of article 7, as well as death registration.

1330. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children. While noting existing legislation prohibiting discrimination, the Committee also emphasizes that the principle of non-discrimination, as provided under article 2 of the Convention, must be fully implemented, including with regard to the girl child, disparities between States and social status. In this regard, the Committee encourages the State party to send additional information on the caste system. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.

1331. The Committee recommends that the State party undertake a study with a view to adopting all measures, including legal ones, to protect children from the harmful effects of the print, electronic and audio-visual media, in particular violence and pornography.

1332. Taking into account the changes occurring in the institution of the "extended family", which provided children with an environment in which to discuss their problems, the Committee suggests that complementary initiatives be encouraged, such as youth peer counselling groups in schools, community-awareness programmes on youth problems such as alcohol and suicide, and parental education programmes.

1333. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment within, *inter alia*, the family and institutions, and sexual abuse of children. It suggests, *inter alia*, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence, to improve understanding of the nature and scope of the problem and strengthen social programmes to prevent all types of child abuse, as well as to rehabilitate the child victims. Adequate procedures and mechanisms to deal with complaints of child ill-treatment should be developed.

1334. The Committee recommends that the legislation on adoption as well as the practice of customary adoption, be brought into conformity with the principles and provisions of the Convention, in particular article 21.

1335. The Committee suggests that the State party continue its efforts to combat malnutrition and vitamin A deficiency. The Committee also suggests that the State party promote adolescent health policies by strengthening reproductive health education and services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, such as early pregnancies and suicide. The Committee also recommends that further efforts, both financial and human, such as the development of counselling services for both adolescents and their families, be undertaken for the prevention and care of adolescent health problems and for the rehabilitation of victims.

1336. In the light of article 31 of the Convention, the Committee recommends that the State party develop cultural, artistic, recreational and leisure activities at schools.

1337. The Committee recommends that further measures, including the enactment of a law, be taken to implement the provisions of article 32 of the Convention, including in relation to the minimum age for employment. Efforts should be undertaken to prevent and combat economic exploitation or any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to the conditions of children working with their families. The Committee recommends that the State party envisage seeking technical assistance from, *inter alia*, the United Nations Children's Fund in this area.

1338. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children, and take all appropriate measures, including public information campaigns in the schools and elsewhere. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, *inter alia*, the World Health Organization.

1339. In the field of administration of juvenile justice, in particular with respect to the minimum age of criminal responsibility and special procedures for juvenile offenders, the Committee recommends that legal reform take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and the United Nations Children's Fund through the Coordination Panel on Juvenile Justice.

1340. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report.

# IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE

## A. Methods of work

### 1. Informal meetings

1341. The Committee held its fifth informal meeting for two weeks in November 1996 in the North African region. Like the previous ones, this informal meeting, organized in close cooperation with the United Nations Children's Fund, was designed to ensure wider awareness of the Convention on the Rights of the Child, as well as of the activities of the Committee on the Rights of the Child and its leading role in promoting action in favour of children and monitoring progress made by States parties in the realization of children's rights. The informal meeting was also intended to allow Committee members to better understand the situation of children in a given regional context, through on-site visits and contacts with government officials, representatives of United Nations bodies, non-governmental organizations and the donor community.

1342. In the context of this meeting, the Committee visited two countries which had already submitted their initial reports, Morocco and Egypt.

1343. For this reason, the presence of the Committee was an important occasion to assess steps undertaken by the States parties concerned as a follow-up to the recommendations addressed to them, while constituting an opportunity to encourage further action in the ongoing process of implementation of the Convention at the national level.

1344. The fifth informal meeting was further intended to allow for substantive consideration of the subject of the rights of the girl child in the specific context of the region.

1345. The visit to Egypt was the occasion of the holding, for the first time, of joint meetings between the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, an event the Committee on the Rights of the Child had often recommended and reflected in its previous reports (see A/47/41, recommendation 3; CRC/C/10, recommendation 4; CRC/C/16, recommendation 3; CRC/C/20, recommendation 4; CRC/C/38, recommendation; and CRC/C/43, recommendation). Seven members of the Committee on the Rights of the Child and four members of the Committee on the Elimination of Discrimination against Women participated in the visit (including the Chairpersons of the two Committees), as well as representatives of the United Nations Children's Fund and the United Nations High Commissioner/Centre for Human Rights.

1346. Four members of the Committee went on a field visit to Morocco (10-15 November 1996) soon after the meeting with the delegation of the State party in October. The group met with the Minister of Justice concurrently appointed as Minister of Human Rights, as well as high-level representatives from the Ministry of Foreign Affairs. The members of the Committee met the local government authorities in Fez and several non-governmental organizations involved in programmes for working children. In a rural area outside Marrakech, the group met with community leaders and visited integrated basic services projects. In Casablanca, it met non-governmental organizations concerned with the relief and rehabilitation of street children and visited a centre for girls. The members of the Committee also met with national non-governmental organizations involved in a variety of projects for children.

1347. During the country visit to Egypt, members of the two Committees and the other participants were received by Mrs. Suzanne Mubarak, Chairperson of the National Commission on Women, and held meetings with Mr. Amr Mussa, Minister for Foreign Affairs, as well as a number of high-level government officials, including members of the National Council for Childhood and Motherhood and the National Commission on Women, and members of the Information and Decision Support Centre of the Cabinet of Ministers; members of Parliament; representatives of United Nations bodies and specialized agencies; representatives of the Donors' Subgroup on Women in Development; non-governmental organizations involved in child rights and women's rights; and representatives of the media. A visit to an urban community project for women and children was organized. A workshop on girls' rights and women's rights chaired by the President of the Egyptian Parliament, who is also the present Chairman of the Inter-Parliamentary Union, was also held on 20 November. Finally, private sessions were held between members of the two Committees.

1348. The joint meetings enabled the two Committees to have a fruitful exchange of views on ways and means to strengthen cooperation between them, in the spirit of integrating human rights as a whole and as a first step to further interaction between treaty monitoring bodies in general. When reviewing their methods of work, members of the two Committees reiterated some of the issues raised at the seventh meeting of persons chairing the human rights treaty bodies, including the need for the Committee on the Elimination of Discrimination against Women to be provided with more adequate servicing and the need to ensure an ongoing flow of information between the Committee on the Elimination of Discrimination against Women and the human rights programme on matters relevant to the rights of women (and girl children).

1349. In this respect, mention was made of the various activities of the United Nations High Commissioner/Centre for Human Rights in relation to women and children, including the Plan of Action to strengthen the implementation of the Convention on the Rights of the Child, the work of the Special Rapporteurs on violence against women and on the sale of children, child prostitution and child pornography, the Working Group on Contemporary Forms of Slavery and the relevant programmes of action adopted by the Commission on Human Rights. The attention of the Committees was drawn to present efforts to establish a link between the Web site of the Division for the Advancement of Women and the human rights Web site being developed by the Centre, and to the development of a database on treaty bodies. The need to define some priority issues of common interest (such as the withdrawal of reservations, health, education, protection against violence, development and participation) and to develop concrete social indicators on child rights and women's rights was also stressed. In this respect, it was suggested to incorporate in the general part of the reporting guidelines ("core document") gender-sensitive and life-cycle sensitive data. The importance of ensuring active and integrated participation by United Nations agencies and bodies and non-governmental organizations in the reporting and implementation process and in raising the level of awareness on the rights of women and children at the national level was highlighted.

1350. It was agreed that the meetings had contributed to establishing a framework for more interaction between the two Committees and it was decided to follow up with periodic meetings to ensure further collaboration in the future on a regular basis. The meeting on health, reproductive and sexual rights scheduled to take place in New York from 9 to 11 December, with the participation of representatives of treaty bodies, was seen as a good opportunity to continue and enlarge this collaboration.

1351. The visit also provided the two Committees with an opportunity to receive concrete information on the implementation of the two Conventions at the country level, including progress achieved and obstacles still impeding the full realization of the rights of women and children in Egypt.

1352. In the course of the workshop on girls' rights and women's rights, mention was made of the need to translate the complementarity between the two Conventions into concrete programmes of cooperation at all levels, including within the general framework of the United Nations human rights programme; the importance of disseminating information on both Conventions and their implementation mechanisms, and enlisting the support of the media in this regard; the relevance of raising awareness on child rights and women's rights and networking between the various relevant agencies and organs; the role of education as a tool for empowering women and increasing the participation of girls in the context of the country's development, in particular through the incorporation of international human rights instruments in the school curricula and qualitative improvement of education, including the elimination of stereotypes, prejudices and discrimination; the role of non-governmental organization coalitions in both areas and the possibility of developing joint plans of action; the need for non-governmental organizations to ensure a linkage with various sectors of civil society such as parliamentarians, magistrates, teachers and lawyers; the need to improve the data-collection system with a view to formulating strategies and policies at the country level and assessing the impact of a joint system of data collection on women and children for the effective implementation of both Conventions; and the need to tackle problems related to the girl child and to the implementation of both Conventions in the general context of the political and socio-economic situation.

### 2. Support to the Committee: Plan of Action to strengthen the implementation of the Convention

1353. At its thirteenth session, the Committee recalled the unprecedented number of States parties to the Convention, almost universally ratified, and welcomed this expression of political commitment to promote and protect the fundamental rights of children. It was particularly encouraged by the willingness expressed by States parties to the Convention to use the reporting system on its implementation as an ongoing process designed to improve the situation of children. In that regard, it particularly welcomed the various measures adopted by States parties as follow-up to the recommendations addressed to them during the examination of their initial reports.

1354. The Committee expressed its serious concern at its heavy workload and at the increasing risks of a backlog building up in the consideration of States parties reports and in the effective fulfilment of its monitoring functions. The Committee recalled the decisions previously taken by the United Nations High Commissioner for Human Rights to develop a plan of action to strengthen substantive support for the Committee's work and to help provide resources, when necessary, for the implementation of its recommendations, including by the establishment of a substantive and multidisciplinary support team which would conduct its activities under the Committee's guidance.

1355. The Committee was informed about the current process of restructuring the Centre for Human Rights and its major impact on the servicing of the Committee.

1356. The Committee expressed its willingness to be involved in future consultations with the Secretariat to ensure the optimal use of available resources and the effective performance of its functions, in the light of article 43, paragraph 11, of the Convention.

1357. At its sixteenth session, the Committee noted with satisfaction that the Plan of Action had become operational. A team of four staff members had already started assisting the expert members of the Committee in carrying out their tasks.

### 3. Guidelines and methodology for periodic reports

1358. At the thirteenth session, the Committee concluded its work on guidelines regarding the form and contents of periodic reports to be submitted by States parties in the light of article 44, paragraph 1 (b), of the Convention on the Rights of the Child, on the basis of previous discussion and preparatory work undertaken by the Committee since its tenth session (see, also, CRC/C/54, para. 266). In finalizing the new guidelines, the Committee had in mind the need for a dynamic approach to the situation of children, and the catalytic role played by the concluding observations adopted following the consideration of the initial reports submitted by States parties. It also stressed the importance of data and information collection, as well as the development of appropriate indicators in order to monitor progress, difficulties encountered and benchmarks established for future action in the various areas covered by the Convention. The guidelines (CRC/C/58) were adopted by the Committee at its 343rd meeting.

### Consideration of periodic reports

1359. At its seventeenth session, the Committee decided that it would start its consideration of periodic reports as from its nineteenth session, in September-October 1998.

1360. The Committee stressed that the main objectives for the preparation, submission and consideration of periodic reports could be identified as follows: to assess the positive and negative trends and changes regarding the status of children during the period covered by the report; to assess the consideration given by the State party to the concluding observations adopted by the Committee in relation to the previous report and the follow-up to the suggestions and recommendations addressed by the Committee to the State party in this connection, including on areas of concern identified by the Committee as well as difficulties which might have affected the realization of such suggestions and recommendations; and to define future action and measures required in order to improve the situation of children and ensure a better enjoyment of their rights. Periodic reports need not reflect basic information already provided in initial reports. It should, however, clearly reference the information previously transmitted, and indicate the changes that have occurred during the reporting period.

1361. The Committee also stressed that in order to limit to a maximum of two meetings (six hours) the time devoted to considering periodic reports, it would have to define a methodology and set priority targets for its dialogue with States parties.

### 4. Individual communications

1362. At its sixteenth session, the Committee reaffirmed that in the absence of a specific mandate for the Committee to consider individual communications concerning alleged violations of the Convention, such a procedure could only be envisaged in the light of the spirit of dialogue and as part of the reporting process established by the Committee (see, also, the previous discussions of the Committee on the issue of an urgent action procedure (A/49/41, paras. 372-381)). The Committee decided that whenever serious cases brought before it were of relevance to any other treaty body or human rights mechanism established by the Commission on Human Rights, they would be brought to the attention of those bodies. At the same time, such cases could also be taken into account in the framework of the consideration of States parties' reports whenever those reports were scheduled for consideration by the Committee.

## B. International cooperation and solidarity for the implementation of the Convention

### 1. Cooperation with United Nations and other competent bodies

1363. During the period covered by the present report, the Committee pursued its cooperation with United Nations bodies, specialized agencies and other competent bodies.

1364. At the twelfth session, the Director-General of the International Labour Organization invited the Committee to participate, in an observer capacity, in an informal tripartite meeting at the ministerial level on the prevention and elimination of child labour, to be held at Geneva on 12 June 1996 within the framework of the annual general conference of the International Labour Organization. The International Labour Office had prepared for this purpose a document entitled "Child labour: what is to be done", in which it was presented that the effective implementation of the Convention on the Rights of the Child was an essential element in protecting children from economic exploitation.

1365. In view of the importance the Committee attached to this issue, as illustrated by its second thematic debate (see A/49/41, paras. 560-572), as well as by the systematic consideration of this topic within its monitoring functions, the Committee decided to be represented at the informal ministerial meeting by its Vice-Chairperson, Mrs. Flora Eufemio (Philippines).

1366. During its thirteenth session, the Committee held an informal meeting with Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund. During this exchange of views, ways and means to enhance the existing cooperation and partnership built around the Convention were discussed.

1367. Similarly, the Chairperson and one of the Vice-Chairpersons, Mrs. Marilia Sardenberg (Brazil), had an informal exchange of views with the Deputy Director-General of the International Labour Organization, Mr. Kari Tapiola, and discussed new means for reinforcing the present fruitful cooperation between the International Labour Organization and the Committee for the implementation of the Convention.

1368. At the 328th meeting, the Committee held an exchange of views with a representative of Interpol in the framework of its ongoing cooperation with that organization (see CRC/C/57, paras. 240-241).

1369. At its fourteenth session, the Committee held an exchange of views with representatives of the Nutrition Section of the United Nations Children's Fund. The Committee was briefed on the International Code of Marketing of Breastmilk Substitutes (see CRC/C/62, para. 264).

1370. At the same session, the Committee held a meeting with the Director of the Inter-American Children's Institute, a specialized body of the Organization of American States, with a view to identifying areas where cooperation between the two bodies could be strengthened and the implementation of the Convention on the Rights of the Child enhanced (see CRC/C/62, paras. 266-269).

1371. The Committee also held a meeting with representatives of the International Labour Organization on ways of fostering existing cooperation and strengthening the protection of children against economic exploitation, particularly through labour. The representative of the International Labour Organization recalled that the 1998 Labour Conference would consider a new instrument to combat the most dangerous forms of child labour, namely, the employment of children in slave-like and bonded conditions and in dangerous and hazardous work. It was the view of ILO that the suggestions of the Committee on this process would be of great value, and for this reason a meeting was organized with Mr. Tapiola, Deputy Director-General of ILO (see CRC/C/62, paras. 270-276).

1372. It was stressed that the new instrument should contain a specific reference to the Convention on the Rights of the Child and to the Committee, and promote a holistic approach to the protection of children's rights (see CRC/C/62, para. 277).

1373. The Committee was also briefed about the International Programme on the Elimination of Child Labour by its Programme Manager (see CRC/C/62, para. 279).

1374. In the framework of its ongoing cooperation with non-governmental organizations, which had been of decisive importance to the implementation of the Convention, the Committee held an informal meeting with the NGO Group for the Convention on the Rights of the Child. The discussions aimed at assessing, in view of past experience, how best the non-governmental organization community could cooperate with the Committee. Particular attention was paid to the written submissions of non-governmental organizations to the Committee, to the value of pre-sessional working group procedures, as well as to the impact of the backlog on the reporting process. The members of the Committee emphasized the relevance of NGO contributions to its work, including studying the concrete situation of children in States parties, identifying priority areas for action and suggesting concrete measures for improving the effective enjoyment of children's rights. The valuable input provided by non-governmental organizations to the thematic discussions of the Committee was also highlighted. The NGO Group was encouraged to keep those topics under consideration and to continue to promote a follow-up to the recommendations adopted by the Committee during its general debates.

1375. At its fifteenth session, the Committee held a meeting with United Nations bodies and specialized agencies and other competent bodies in the framework of its ongoing dialogue and interaction with those bodies in the light of article 45 of the Convention. Representatives of the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, including the International Programme on the Elimination of Child Labour, the World Health Organization and the NGO Group for the Convention on the Rights of the Child participated in the discussion (see CRC/C/66, paras. 317-324).

1376. At its sixteenth session, the Committee held a meeting with United Nations bodies and specialized agencies and other competent bodies in the framework of its ongoing dialogue with those bodies in the light of article 45 of the Convention (see CRC/C/69, paras. 308-309).

1377. At its seventeenth session, the Committee continued its interaction with United Nations bodies, specialized agencies and other competent bodies in the light of article 45 of the Convention, and held meetings with representatives of the International Monetary Fund (see CRC/C/73, para. 161), the United Nations Children's Fund (see CRC/C/73, para. 162), the World Health Organization (see CRC/C/73, para. 164), the NGO Group for the Convention on the Rights of the Child and various other non-governmental organizations (see CRC/C/73, paras. 165-169).

1378. The Committee also pursued its cooperation with the other human rights treaty bodies and other United Nations human rights mechanisms (see CRC/C/66, para. 324). In this connection, mention can be made of the active participation of the Committee's Chairperson in the seventh and eighth meetings of persons chairing the human rights treaty bodies (see CRC/C/57, paras. 229-230 and CRC/C/69, para. 298 and recommendation).

1379. At the seventeenth session, the Committee was informed by its Chairperson about her visit to New York in November 1997, during which she had addressed the Third Committee of the General Assembly and, together with Mr. Francesco Paolo Fulci (Italy) and Mrs. Awa N'Deye Ouedraogo (Burkina Faso), held talks with the Secretary-General and the President of the General Assembly, as well as meetings with UNICEF officials. In the course of the discussions, the Committee members had welcomed the fact that the reform process launched by the Secretary-General stressed the need for human rights to cut across all substantive fields of United Nations activities. They had also referred to the need to ensure early acceptance of the amendment raising to 18 the membership of the Committee. In her address to the Third Committee, the Chairperson had stressed the unprecedented achievement illustrated by 191 ratifications of the Convention. She had recalled the essential role of the Committee as a major catalyst for concrete action and practical implementation of the rights of the child, including through encouraging worldwide solidarity and cooperation in favour of children. While mentioning some of the achievements of the Committee, including the emergent system of law reform seeking to harmonize national legislation with the provisions of the Convention, the establishment of monitoring mechanisms, the increased awareness and acceptance of the concept of child rights, and the training of personnel working with and for children, she had also stressed remaining challenges, such as the need to establish a system of general comments relating to the Convention's principles and provisions, the necessity to face the reporting backlog and the related need to ensure the entry into force of the amendment to the Convention increasing from 10 to 18 the membership of the Committee. The Chairperson had also addressed the work of the human rights monitoring bodies in general, and referred to the outcome of the eighth meeting of persons chairing those bodies.

1380. During the period under consideration, the Committee also held an informal meeting with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia (see CRC/C/62, paras. 282-283). It was informed about the study on the impact of armed conflict on children undertaken by Ms. Graça Machel following a request by the Committee (see CRC/C/57, para. 236).

### 2. Participation in United Nations and other relevant meetings

1381. The Committee was represented at a number of meetings relevant to its activities, including major world gatherings such as the United Nations Conference on Human Settlements (Habitat II) (see CRC/C/54, para. 267, and CRC/C/57, para. 231) and the World Congress against Commercial Sexual Exploitation of Children (see CRC/C/57, para. 235).

1382. Committee members had also participated in a variety of meetings at the international, regional and national levels, where various issues relevant to the rights of the child had been raised (see CRC/C/57, paras. 232-234, CRC/C/69, paras. 299-306, CRC/C/73, paras. 151-169).

## C. General thematic discussions

### 1. The child and the media

1383. At its eleventh session, the Committee decided to devote its next day of general discussion to the issue of "The child and the media", to be held on 7 October 1996.

1384. In an outline prepared to guide the general discussion, the Committee expressed the view that, as with human rights in general, the press and other media had essential functions in promoting and protecting the fundamental rights of the child and in helping to implement in practice the principles and standards of the Convention. The Committee also expressed the view that the media could play a pivotal role in monitoring the realization of the rights of the child. Special reference was made to the "image" of the child given by the media, which could either create and convey respect for children and young people or spread prejudice and stereotypes which might have a negative influence on public opinion and politicians. Reference was also made to protection by the media of the privacy of the child in reporting, for instance, involvement in criminal activities, sexual abuse or family problems and to the protection of children against information that might have a harmful impact on them, primarily programmes containing brutal violence and pornography. Finally, reference was made to the role of the media in offering children the possibility to express themselves.

1385. The Committee identified three main areas to be considered during the day of general discussion:

1. What can be done to develop the possibilities for children to participate actively in the media?

2. What can be done to protect children from harmful influences through the media?

3. What can be done to encourage the media to contribute to improving the image of the child through their reporting?

1386. As to previous thematic discussions, the Committee had invited, in the light of article 45 of the Convention, representatives of United Nations organs, bodies and specialized agencies, and other competent bodies, including non-governmental organizations, media representatives, research and academic organizations, and children to contribute to the discussion and provide expert advice on the topics identified.

1387. Several organizations submitted documents and contributions on the theme. The list of these documents and contributions is to be found in document CRC/C/57, annex VI.

1388. Representatives of the following organizations and bodies participated in the day of general discussion: United Nations High Commissioner/Centre for Human Rights, United Nations Information Service, United Nations Children's Fund, International Labour Organization, Office of the United Nations High Commissioner for Refugees, United Nations Conference on Trade and Development, United Nations Educational, Scientific and Cultural Organization, United Nations Non-Governmental Organizations Liaison Office, International Committee of the Red Cross, National Youth Bureau of the Office of the Prime Minister of Thailand, Permanent Mission of Albania to the United Nations Office at Geneva, Permanent Mission of Hungary to the United Nations Office at Geneva, Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva, Permanent Mission of Ukraine to the United Nations Office at Geneva, Association internationale des magistrats de la jeunesse, ATD Fourth World, Alianza Civica Mexico, Bahai' International Community, British Broadcasting Corporation, Bureau international catholique de l'enfance, Caritas Internationalis, Centre international du film pour l'enfance et la jeunesse, Childnet International, Child Rights International Research Institute, Children's Rights Development Unit (UK), Children's Rights Office (London), Consultant on Health and Social Aspects, Defence for Children International, International Abolitionist Federation, International School of Geneva, International Federation of Journalists, International Federation of Social Workers, International Inner Wheel, International Save the Children Alliance, Just Think Foundation, Lutheran World Federation, Network for the Convention on the Rights of the Child (Japan), NGO Group for the Convention on the Rights of the Child, Romanian National Committee for UNICEF, Save the Children-UK, SOS Torture, Women International League for Peace and Freedom, Women's World Summit Foundation, World Council of Churches, World Federation of Methodist Women, Young Media Partners, Zonta International. Ms. Dulce P. Estrella-Gust also participated.

1389. The following persons made statements during the introductory part of the day: Ms. Akila Belembaogo, Chairperson of the Committee on the Rights of the Child; Mr. José Ayala-Lasso, United Nations High Commissioner for Human Rights; Mr. Thomas Hammarberg, Vice-Chairman of the Committee on the Rights of the Child and Rapporteur for the day of general discussion; Mr. Paul Ignatieff, Director, UNICEF Geneva Office; Mr. Neil Boothby, Senior Coordinator for Refugee Children, UNHCR; Mr. Carlos Arnaldo, Chief, Free Flow of Information and Communication Research, UNESCO; Ms. Angela Penrose, Save the Children-UK, on behalf of International Save the Children Alliance; Ms. Gunilla von Hall, a journalist with Svenska agbladet; and Ms. Bettina Peeters, Deputy Secretary-General, International Federation of Journalists.

1390. After the introductory statements in plenary session, the participants were divided into three panels to discuss the various issues identified. Panel I, on "Child participation in the media", was chaired by Ms. Marilia Sardenberg, Vice-Chairperson of the Committee on the Rights of the Child, and Ms. June Kane (UNICEF) served as Rapporteur; panel II, on "Protection of the child against harmful influences through the media" was chaired by Mr. Youri Kolosov, a member of the Committee on the Rights of the Child, and

Mr. Carlos Arnaldo (UNESCO) served as Rapporteur; panel III, on "Respect for the integrity of the child in media reporting", was chaired by Ms. Sandra Mason, a member of the Committee on the Rights of the Child, and Ms. Bettina Peeters (International Federation of Journalists) served as Rapporteur.

1391. After the discussions in the three panels, a general debate was held, in which, together with members of the Committee, the representatives of a number of United Nations organs, bodies, specialized agencies and non-governmental organizations participated. The day of general discussion was concluded by statements made by Ms. Thérèse Gastaut, Director of the United Nations Information Service, Ms. Bettina Peeters, and Mr. Thomas Hammarberg, who presented the preliminary conclusions of the discussion in his capacity as Rapporteur of the day.

1392. On the occasion of the discussion day, UNICEF organized a lunchtime interactive session which brought together young people from the International School in Geneva, representatives of the media and persons working in the field of protection and promotion of children's rights to discuss examples of effective partnerships between children and the media, with the objective of providing practical examples of the use of the media to promote children's rights.

1393. The discussion in panel I, on "Child participation in the media", centred on the importance of children participating not just as commentators, but at all levels of the information process, as the only way to avoid tokenism. For that purpose it was necessary to develop adequate mechanisms to enable the child to participate at all stages of media production. It was also felt that it was essential to take into account the context in which each child lived and communicated, as well as to know to what extent and how the child's voice was already heard in each community. The participants discussed ways of influencing the various actors in helping children to make their voices heard. Such actors encompassed a broader range than the media as such and included parents and professionals working with and for children. The essential need to form partnerships and collaboration and to encourage all actors to make the links themselves between their personal concern for children and their professional capacity to make a difference was stressed in that connection. The potential positive impact of technology for children's rights was also underlined, as well as the importance of access to all kinds of media, including traditional forms. The educational role of the media and the global responsibility of all groups in society in changing attitudes was mentioned. Lastly, the group considered that any guidelines produced must draw attention to the positive potential of the media and the desirability of promoting collaboration and participation.

1394. Participants in panel II, on "Protection of the child against harmful influences through the media", felt that there was a need to keep children on the media's agenda on a continuing basis and that States should be called upon to take concrete measures to encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29 of the Convention, as called for in article 17 (a). The clear identification of harmful influences in the media was considered essential, as was the need to raise, through school and in other forums, children's awareness of how to handle media issues. For that purpose, it was necessary to promote education programmes on how to deal in a critical and constructive manner with the media. It was also considered that a better balance should be reached in the media between concern for protection and an accurate reflection of the real world; it was stressed that positive as well as negative aspects of the news should be covered. Reference was made to the need to protect and preserve cultural diversity and avoid cultural stereotypes. The general gender bias against girls and women was mentioned as being an important protection issue that should not be overshadowed by the issue of sexual exploitation. The need for media professionals to draft, or to amend guidelines for the media in the light of the Convention on the Rights of the Child was stressed. While the implementation of these guidelines should be carried out by the media profession and industry in a spirit of self-discipline, this could be made more effective through empowering citizens' associations and consumer groups in their monitoring of media programmes and scheduling. Freedom of expression was to be safeguarded as a basic right enshrined in the Convention, though several felt it was necessary to resort to strong measures to limit the access of the very young to injurious media fare, specifically pornography, paedophilia and gratuitous violence. Specific reference was made to the Internet, and some suggested promoting software to limit access to harmful sites. The need to develop in all countries hotlines where Internet users could transmit information on existing harmful sites in order to allow those responsible for the hotline, together with other interested parties, to find solutions was also stressed, as was the need to share responsibility for screening the material between the industry, parents, teachers and, where appropriate, children themselves.

1395. The debate in panel III, on "Respect for the integrity of the child in media reporting", started with a reference to the general legal framework provided by the Convention on the Rights of the Child, which addressed every human being below the age of 18. It was recognized that the media played an essential role in the promotion and protection of human rights in general and that media professionals, including media editors and owners, should be particularly vigilant in trying to safeguard the integrity of the child. It was felt that there was a need for further debate and cooperation at the national, regional and local levels on integrating the principles of the Convention in media reporting and implementing the Convention through the media. The discussion focused on two main issues. The first related to the way the media should approach children as sources of information. Reference was made to the need to use special techniques, taking into account the best interests of the child, in interviews or simulations involving child victims of violence and abuse. It was stressed that it was useful to provide such children with an appropriate channel of expression, and that such an opportunity could contribute to raising awareness on human rights violations suffered by children. The second issue concerned the child's access to the media. In that regard, mention was made of a number of positive experiences, such as news agencies where child reporters provided information aimed at children. Reference was made to the most common stereotypes in media reporting about children, such as the "violent teen-ager" or the misrepresentation of children from specific groups. It was mentioned that such stereotypes were not only the responsibility of the media but also involved the society at large.

1396. On the basis of the discussions on the various issues both at the plenary session and by the three panels, the following recommendations were formulated by the Rapporteur for the thematic debate:

1. Child media. A dossier should be compiled on positive practical experiences of active child participation in the media, such as "Children's Express" in the United Kingdom and the United States.

2. Child forum within Internet. The UNICEF-initiated "Voices of Youth" at the World Wide Web should be promoted and advertised as a positive facility for international discussion on important issues between young people.

3. Active child libraries. The experience of dynamic child libraries, or child departments within public libraries, should be documented and disseminated.

4. Media education. Knowledge about the media, their impact and functioning should be imparted in schools at all levels. Students should be enabled to relate to and use the media in a participatory manner, as well as to learn how to decode media messages, including in advertising. Good experiences in some countries should be made available to others.

5. State support to media for children. There is a need for budgetary support to ensure the production and dissemination of children's books, magazines and papers, music, theatre and other artistic expressions for children, as well as child-oriented films and videos. Assistance through international cooperation should also support media and art for children.

6. Constructive agreements with media companies to protect children against harmful influences. Facts should be gathered about various attempts at voluntary agreements with media companies on positive measures, such as not broadcasting violent programmes during certain hours, clear presentations before programmes about their content and the development of technical devices, such as "V-chips", to help consumers to block out certain types of programmes. Likewise, experiences with respect to the introduction of voluntary ethical standards and mechanisms to encourage respect for them should be assembled and evaluated; this should include an analysis of the effectiveness of existing codes of conduct, professional guidelines, press councils, broadcasting councils, press ombudsmen and similar bodies.

7. Comprehensive national plans of action to empower parents in the media market. Governments should initiate a national discussion on means to promote positive alternatives to the negative tendencies in the media market, to encourage media knowledge and support parents in their role as guides to their children in relation to electronic and other media. An international workshop should be organized to promote a discussion on this approach.

8. Advice on implementation of article 17 of the Convention on the Rights of the Child. A study should be conducted with the purpose of developing advice to Governments on how they could encourage the development of "guidelines for the protection of the child from information and material injurious to his or her well-being". Such a study should also serve the purpose of assisting the Committee on the Rights of the Child in drafting a general comment on article 17.

9. Specific guidelines for reporting on child abuse. To encourage further discussion in newsrooms and within the media community as a whole guidelines should be drafted by appropriate journalist bodies on how to report on abuse of children and at the same time protect the dignity of the children involved. Special emphasis should be placed on the issue of not exposing the identity of the child.

10. Material for journalist education on child rights. Material should be produced to assist journalist and media schools on child rights standards, established procedures for child rights monitoring, existing international, regional and national institutions working with children, as well as basic aspects of child development. The manual planned by the Centre for Human Rights of the United Nations Secretariat as a tool for journalist education on human rights should be widely disseminated when produced.

11. Network for media watch-groups. The positive work of media watch-groups in various countries should be encouraged and "good ideas" transferred between countries. The purpose is to give media consumers a voice in the discussion on media ethics and children. A focal point for exchanges should be established.

12. Service to "child rights correspondents". Interested journalists should be invited to sign up on a list of "child rights correspondents". They should be provided on a regular basis with information about important child issues and with interesting reports by others, and be seen as media advisers to the international child rights community.

1397. In view of the various contributions made and the importance of the issues considered, the Committee felt that there was a need to ensure follow-up to the general discussion. It was therefore decided that a working group on the media and the Convention on the Rights of the Child should be constituted to consider further the various recommendations made. The working group should include representatives of the Committee, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the Department of Public Information of the United Nations Secretariat, the International Federation of Journalists and non-governmental organizations. It was requested that the working group consider, in particular, constructive ways of ensuring the implementation of the 12 recommendations and other proposals made during the discussion. The Committee decided to authorize Mr. Thomas Hammarberg (Sweden) to represent it on the working group and to initiate its convening.

1398. The first session of the working group was convened at UNESCO headquarters on 14 April 1997 (for the report on the session, see CRC/C/66, annex IV).

## 2. The rights of children with disabilities

1399. At its fourteenth session, the Committee decided to devote its next day of general discussion, to be held on 6 October 1997, to the issue of "The rights of children with disabilities".

1400. In an outline prepared to guide the general discussion, the Committee stressed that throughout history children with disabilities had been, and in many societies still were, denied access to education, family life, adequate health care, opportunities for play or for training, and the right to participate in "normal" childhood activities. In spite of the fact that these children were experiencing a form of social exclusion representing a denial of their basic rights as enshrined in the Convention, their plight rarely figured high on the national or international agenda, and they tended to remain invisible. The Committee also had a clear role to play in creating opportunities to highlight the obligations undertaken by Governments with respect to children with disabilities under the Convention, as well as the extent to which the rights of children with disabilities were violated. The thematic debate would mainly address the provisions of article 23 of the

Convention, but would also reflect the holistic approach of the Convention, illustrating and reinforcing the interdependence and indivisibility of all the human rights of children.

1401. The Committee identified three main issues to be considered during the day of general discussion:

(a) The right to life and development;

(b) Self-representation and full participation;

(c) The right of children with disabilities to inclusive education.

1402. As for the previous thematic discussions, the Committee had invited representatives of United Nations organs, bodies and specialized agencies and other competent bodies, including non-governmental organizations, research and academic organizations, individual experts and children, to contribute to the discussion.

1403. Several organizations and individual experts submitted documents and other contributions on the theme. The list of these contributions is contained in document CRC/C/69, annex IV.

1404. The list of the various bodies and organizations that participated in the day of general discussion is reflected in document CRC/C/69, paragraph 316.

1405. The meeting was opened by Ms. Sandra Prunella Mason (Barbados), Chairperson of the Committee, who expressed the hope that the discussion would lead to concrete action. The morning was devoted to statements by the Rapporteur of the Committee, Mrs. Nafsiah Mboi (Indonesia), who gave an introduction to the subject, and Mr. Bengt Lindqvist, Special Rapporteur of the Commission on Social Development on disabilities. Representatives of various United Nations and other international agencies and bodies offered their comments and shared their experiences and views on the subject.

1406. Invited speakers introduced the three previously identified subthemes, as follows:

| Subtheme | Speaker |
|---|---|
| Right to life, survival and development | Ms. Rachel Hurst, Disabled People's International |
| Right to self-representation and full participation | Ms. Pearl Makutaone and Ms. Chantal Rex, two disabled young girls from South Africa |
| Right to inclusive education | Ms. Lena Saleh, UNESCO and<br>Ms. Sue Stubbs, Save the Children (UK) |

1407. Mrs. Mboi opened her introductory remarks at the afternoon session by emphasizing that in discussing the rights of children with disabilities, the main concern must always be the best interests of the whole child, not just the disability. The rights of children with disabilities were in no way confined to article 23; rather, the provisions of that article were intended to ensure that the disabled child had maximum opportunity to fulfil all the rights set out in the Convention. She pointed out that society's responsibility to protect children from disabilities must start well before birth and involved concern for all the circumstances which might result in disability at the time of birth. The challenges of protection ran throughout the life of a child and included the right to protection against violence in wartime or in peace, and protection against debilitating disease, poor nutrition and health, environmental pollution, and harmful and hazardous child labour. The challenge for the meeting was therefore twofold: how to protect children from becoming disabled, and how to ensure that those with disabilities were dealt with fairly, effectively and compassionately. She concluded by expressing the hope that the theme day would start a process which would lead to the development of practical guidance for Governments on strategies and policies to strengthen and accelerate movement towards comprehensive fulfilment of all the rights set forth in the Convention by disabled children and to protection against disability both before and after birth, and the construction of a set of indicators by which Governments and others could measure progress towards fulfilment of those rights.

1408. Mr. Lindqvist pointed out some differences and the complementarity between the Convention on the Rights of the Child and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96). He saw the Convention as an important statement of principles protecting the rights of all children, including the disabled. The Standard Rules was a whole document on disability policy, containing a much higher degree of specification, giving more guidance on what should be done and how it should be done. Elaborating further on the nature of "disability policy", he suggested that measures to combat exclusion and bad conditions, to be effective, must be taken in two main areas - support to the individual and measures to create accessibility. Emphasizing the importance of closer cooperation between himself and the Committee, he made suggestions of possible areas for cooperation, including various kinds of information-sharing, collaborative analysis of country reports, advocacy and public education. In closing, he urged that thought be given to finding ways to ensure active participation by disabled young people and discussion of the problems of disabled youth at a United Nations international youth forum scheduled to take place in August 1998.

1409. The representative of the International Labour Organization spelled out in some detail child labour as a major source of disability in children and indicated some of the Organization's long-standing and ongoing work directed towards the elimination of harmful and hazardous child labour. The representative of UNICEF gave highlights of the Fund's programmes to advance the rights of children with disabilities. The representative of the World Health Organization provided some current data and information about the Organization's work. Other representatives also commented on the issue of the rights of the disabled from the perspective of their areas of expertise.

1410. Ms. Hurst spoke about the right to life, survival and development, citing the need to oppose with great force the abortion of unborn babies known to be handicapped and provide support as needed for the disabled child to live and develop fully in accordance with his or her rights as set forth in the Convention on the Rights of the Child. Ms. Makutaone and Ms. Rex spoke of their personal experience as handicapped young people and advocated persuasively for the right to self-representation and full participation. They presented themselves as examples of the happy outcome that was possible if disabled children were given love, care and training in appropriate surroundings. Ms. Saleh and Ms. Stubbs discussed the importance of the right to inclusive education.

1411. In the course of the afternoon, the issue of protection against disability both for the unborn and after birth was discussed from various perspectives. It was pointed out that, in the developing world, where most of the world's disabled children lived, programmes as diverse and 'conventional' as national immunization for children, good prenatal and birthing services for mothers, and nutritional improvement programmes must be recognized as important activities in support of children's rights to development and to be protected against disability.

1412. At the end of the discussion, Ms. Gerison Lansdown, Director of the Children's Rights Office (United Kingdom), who served as Rapporteur for the day of discussion, presented a summary of the main issues raised during the day, as described in the following paragraphs.

1413. The issue under discussion was not about victims or about pity, but rather about challenging oppression and discrimination; it was about disabled children experiencing widespread abuse of their fundamental human rights.

1414. It was important that the scale of the problems experienced by disabled children be acknowledged. The statistics were shocking: huge numbers of children were disabled by the physical, social and economic world that adults had created - by war, poverty, child labour, violence and abuse, environmental pollution, and lack of access to health care. The world was a dangerous place for many children, and adults had a responsibility to work towards the elimination of the factors that contributed to their harm. The disabilities faced by many children were not inevitable; they could and must be tackled.

1415. The humanity behind the statistics must not be lost sight of. The contribution by the two young women from South Africa illustrated that by failing to respect their rights to inclusion and participation, the disabled are too often condemned to social isolation, loneliness, lack of friendships, denial of a voice and, indeed, often also a lack of love.

1416. Behind the statistics and the denial of many disabled children throughout the world of their rights lay attitudes which viewed the life of a disabled child as being of less worth, less importance and less potential than that of an able-bodied child. Those attitudes must be challenged. This required political action at every level, including legal reform to end all forms of discrimination, public education programmes, practical action to support families and communities in challenging prejudice and social exclusion, campaigns to raise awareness of the human rights of disabled children, programmes to end institutionalization of children, and positive images of disabled children in the media. It was also important to engage religious and community leaders as advocates in this process of change.

1417. All children had the right to life. Failure to take all necessary measures to promote the survival and development of disabled children on an equal basis with other children represented a profound violation of the Convention on the Rights of the Child. All children were equal members of the human race, discriminatory laws which denied their right to life should be repealed. Public debate should take place on the unspoken assumption, underlying much medical and scientific research, that we should be striving towards the goal of perfection in human beings. It was one thing to work to eliminate impairment but quite another to eliminate the person with the impairment. We must be clear what we mean when we talk about prevention. It was of course vitally important to work towards the creation of a safer world for children, in which the risks of impairment and harm were minimized, but the solution was not through the denial of life itself as a preventive strategy. Rather, we must celebrate diversity and learn to celebrate the birth of every child, with or without disability.

1418. There was a need to develop strategies to ensure that the rights of disabled children were respected, both as individuals and as a group. Every child should have access to the necessary medical care and treatment, to education, to help with independent living, to a wheelchair if needed. The physical environment, therefore, also needs to be changed to promote the active inclusion of all disabled children in society. This would involve, for example, the development of accessible transport and accessible buildings - shops, schools, play centres and offices.

1419. We must take a holistic approach to disability. All the rights in the Convention must be considered in respect of disabled children, and disabled children should be considered when examining the implementation of all the rights in the Convention. That message should be applied by the Committee in its examination of States parties' reports, by Governments when implementing the Convention and by non-governmental organizations and other agencies in promoting and monitoring the implementation of the Convention. The Convention provides a framework of principles for monitoring law, policy and practice in respect of disabled children. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities provided a source of detailed guidance on what should be done and how to do it. Those two documents should be used by the Committee and others as complementary tools in promoting the rights of disabled children.

1420. Action must be taken at every level - international, regional, national, local and community - to effectively promote the rights of disabled children. At the international level, the Committee had a clear role to play by rigorously scrutinizing States parties' reports, highlighting the situation of disabled children and promoting the application of the Standard Rules. We could also learn from exchange of experience, research, expertise and information, and good practice between countries.

1421. Action also needed to be taken to support the families of disabled children, promote access to education, train teachers to work in inclusive schools, enhance access to adequate health care, and provide practical help within villages and local communities. Such action would necessarily include legal reform, development of policies to promote opportunities for disabled children, reconsideration of budgets and reallocation of resources.

1422. Disabled children, like other children, had a right to participate in decisions that affected them, but they suffered a double denial of this right. Many adults found it difficult to recognize both the right and the capacity of any child to contribute effectively to decision-making; where the child was disabled, there tended to be an even deeper inability to accept its competence. This was compounded by protectiveness on the part of caregivers which sought to shield the children from the responsibility of participation. It was imperative to begin to explore ways of challenging the lack of belief in disabled children. There were many reasons for promoting more active participation in their own lives. First, decisions made about or on behalf of a child would be better informed and more likely to produce positive outcomes if the child him or herself was involved in the process. The views, experiences and knowledge of the child must be an important part of any planning or decision-making. Secondly, the process of participation was a central part of learning to take responsibility, to make decisions, and to develop self-esteem and confidence. It was hard for any child to learn those skills if no confidence was ever placed in him or her by adults; it was profoundly more difficult for a disabled child who faced prejudice and exclusion every day of his or her life and who was constantly confronted by a self-image defined by society as negative and of little worth. It was therefore even more important that disabled children exercise their right to participate actively. Finally, by denying children the right to be heard we are denying them citizenship; they become non-people. Children whose voices were not heard or listened to were vulnerable to abuse, violence and exploitation by adults because they had no means of challenging their oppression. Disabled children were significantly more likely to suffer sexual abuse than able-bodied children, precisely because adults could act with impunity.

1423. The inclusion of disabled children was a right, not a privilege. There was an important distinction between integration and inclusion. Policies of integration tended to seek to change the child in order to fit into the school. Inclusion, on the other hand, sought to change the school environment in order to meet the needs of the disabled child. Inclusive education needed to be introduced as part of a strategy for promoting an inclusive society. Marginalization and exclusion of disabled children were often defended on grounds of cost-effectiveness. However, such arguments could not be sustained when the question was turned around: can we afford the costs of exclusion? The loss to societies throughout the world of failure to include disabled children was huge: all their potential productive capacity was wasted. We also lost a potential for enrichment through their contribution to the social, creative, cultural and emotional dimensions of society. Inclusion was not an expensive luxury, but rather an opportunity for all children to become productive members of society. Indeed, failure to promote the inclusion of disabled children sometimes reflected less a lack of resources and more a lack of political will. It was often those Governments claiming to be least able to promote the rights of disabled children that were spending a significant proportion of the country's wealth on armaments and other military expenditures.

1424. The final message of the discussion was that the time for talking was over. Now it was time for action.

1425. Words of thanks to all the participants, delivered in the name of the Committee by Mrs. Judith Karp (Israel), Vice-Chairperson of the Committee, concluded the thematic day. She said that the thematic day had proved to be not only a stimulating process that brought many new insights, but also a very moving experience, owing especially to those who had shared with the participants their own personal stories and experiences. Inclusion was the goal, but it was also a means to improve society. The aim was to have a society which accommodated a wide spectrum of individual abilities, and not a society which simply expected all to conform to one hypothetical, and often unachieved, standard of "normality". The key issue was respect for the human dignity of children with disabilities. Inclusion of children with disabilities into society was part of a process of social change to make a society in which human dignity was a living value.

1426.On the basis of the discussions on the various issues, the following recommendations were formulated by the Chairperson of the Committee:

(a) In its examination of States parties' reports, the Committee should commit itself to highlighting the situation of disabled children and the need for concrete measures to ensure recognition of their rights, in particular the right to life, survival and development, the right to social inclusion and participation; it should also emphasize that adequate monitoring of the situation of disabled children in all States must be undertaken and encourage moves to promote the collection of statistics and other information to enable constructive comparisons between regions and States;

(b) The Committee should consider the possibility of drafting a general comment on disabled children;

(c) The various bodies providing information to the Committee in the course of the reporting process should ensure that the information they provide includes disabled children;

(d) States should review and amend laws affecting disabled children which are not compatible with the principles and provisions of the Convention, for example, legislation that (i) denies disabled children an equal right to life, survival and development (including - in those States which allow abortion - discriminatory laws on abortion affecting disabled children, and discriminatory access to health services); (ii) denies disabled children the right to education; (iii) compulsorily segregates disabled children in separate institutions for care, treatment or education;

(e) States should actively challenge attitudes and practices which discriminate against disabled children and deny them equal opportunities to the rights guaranteed by the Convention, including infanticide, traditional practices prejudicial to health and development, superstition and perception of disability as a tragedy;

(f) In view of the appalling impact of armed conflict, which disables hundreds of thousands of children, States should be encouraged to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction, due to be opened for signature in Ottawa in December 1997;

(g) The Committee should promote the Standard Rules on the Equalization of Opportunities for Persons with Disabilities as being relevant for the full implementation of the Convention on the Rights of the Child, and strengthen its cooperation with the Special Rapporteur on disabilities and his panel of experts;

(h) The Committee, in cooperation with UNESCO, UNICEF and other relevant agencies, should ensure that inclusive education is included on the agendas of meetings, conferences and seminars as an integral part of debates concerning education;

(i) Relevant agencies should be encouraged to develop programmes which promote alternatives to institutionalization and to develop and promote strategies to deinstitutionalize children;

(j) The rights and interests of disabled children should be included on the agenda of multilateral and bilateral agencies, development agencies, donor agencies, funding organizations such as the World Bank and regional banks, as well as technical cooperation agencies;

(k) Research into the provision of statistics and empirical evidence should be promoted with a view to (i) promoting awareness of the extent to which the right to life of disabled children is denied; (ii) challenging the widespread existence of superstition, prejudice, social stigma and denial of access to education in relation to disabled children; (iii) challenging the argument of "cost-effectiveness" used to marginalize disabled children and evaluating the costs of exclusion and lost opportunities; (iv) bringing the issue to prominence in the process of drafting and adopting conventions on bio-ethics;

(l) Disabled children should be consulted, involved in decision-making and given greater control over their lives; existing good practices should be publicized and shared, and appropriate training materials devised;

(m) Governments should be encouraged to make these materials available at the community level in appropriate forms for children and disabled people; this could potentially be undertaken by one of the development agencies such as the Swedish Organization of Handicapped International Aid Foundation or Save the Children, in collaboration with some of the disabled peoples' organizations;

(n) Training materials on promoting the participation of disabled children should be produced. The UNICEF International Child Development Centre (Innocenti Centre) should be requested to produce an edition in its series of information digests on the subject of inclusion, as its contribution to the issues raised during the general discussion.

1427. In view of the various contributions made and the importance of the issues considered, the Committee felt that there was a need to ensure follow-up to the general discussion. It was decided to set up a working group on the rights of children with disabilities, which would include members of the Committee, representatives of relevant United Nations bodies and agencies and non-governmental organizations of disabled people, including disabled children, to consider further the various recommendations made and elaborate a plan of action to facilitate the concrete implementation of the various proposals. The Committee decided to pursue further the question of the mandate, composition and activities of the working group at its next session, in January 1998.

1428. At the seventeenth session, the Committee expressed its firm support for the establishment of a small independent informal working group with the participation of representatives from relevant United Nations agencies and bodies and main disability organizations; the primary aim of the working group should be to bring together existing expertise and resources with a view to ensuring better protection of the rights of children with disabilities. The Committee decided to be represented in the working group, which would report to the Committee on a regular basis. It also requested that progress on the mandate, membership and plan of action of the working group be presented to the Committee at its next (eighteenth) session.

## ANNEX I

## States that have ratified or acceded to the Convention on the Rights of the Child as at 23 January 1998 (191)

| States | Date of signature | Date of receipt of instrument of ratification/ accession[a] | Date of entry into force |
|---|---|---|---|
| Afghanistan | 27 September 1990 | 28 March 1994 | 27 April 1994 |
| Albania | 26 January 1990 | 27 February 1992 | 28 March 1992 |
| Algeria | 26 January 1990 | 16 April 1993 | 16 May 1993 |
| Andorra | 2 October 1995 | 2 January 1996 | 1 February 1996 |
| Angola | 14 February 1990 | 5 December 1990 | 4 January 1991 |
| Antigua and Barbuda | 12 March 1991 | 5 October 1993 | 4 November 1993 |
| Argentina | 29 June 1990 | 4 December 1990 | 3 January 1991 |
| Armenia | | 23 June 1993[a] | 22 July 1993 |
| Australia | 22 August 1990 | 17 December 1990 | 16 January 1991 |
| Austria | 26 January 1990 | 6 August 1992 | 5 September 1992 |
| Azerbaijan | | 13 August 1992[a] | 12 September 1992 |
| Bahamas | 30 October 1990 | 20 February 1991 | 22 March 1991 |
| Bahrain | | 13 February 1992[a] | 14 March 1992 |
| Bangladesh | 26 January 1990 | 3 August 1990 | 2 September 1990 |
| Barbados | 19 April 1990 | 9 October 1990 | 8 November 1990 |
| Belarus | 26 January 1990 | 1 October 1990 | 31 October 1990 |
| Belgium | 26 January 1990 | 16 December 1991 | 15 January 1992 |
| Belize | 2 March 1990 | 2 May 1990 | 2 September 1990 |
| Benin | 25 April 1990 | 3 August 1990 | 2 September 1990 |
| Bhutan | 4 June 1990 | 1 August 1990 | 2 September 1990 |
| Bolivia | 8 March 1990 | 26 June 1990 | 2 September 1990 |
| Bosnia and Herzegovina[b] | | | 6 March 1992 |
| Botswana | | 14 March 1995[a] | 13 April 1995 |
| Brazil | 26 January 1990 | 24 September 1990 | 24 October 1990 |
| Brunei Darussalam | | 27 December 1995[a] | 26 January 1996 |
| Bulgaria | 31 May 1990 | 3 June 1991 | 3 July 1991 |
| Burkina Faso | 26 January 1990 | 31 August 1990 | 30 September 1990 |
| Burundi | 8 May 1990 | 19 October 1990 | 18 November 1990 |
| Cambodia | 22 September 1992 | 15 October 1992 | 14 November 1992 |
| Cameroon | 25 September 1990 | 11 January 1993 | 10 February 1993 |
| Canada | 28 May 1990 | 13 December 1991 | 12 January 1992 |
| Cape Verde | | 4 June 1992[a] | 4 July 1992 |
| Central African Republic | 30 July 1990 | 23 April 1992 | 23 May 1992 |
| Chad | 30 September 1990 | 2 October 1990 | 1 November 1990 |
| Chile | 26 January 1990 | 13 August 1990 | 12 September 1990 |

| States | Date of signature | Date of receipt of instrument of ratification/ accession[a] | Date of entry into force |
|---|---|---|---|
| China | 29 August 1990 | 2 March 1992 | 1 April 1992 |
| Colombia | 26 January 1990 | 28 January 1991 | 27 February 1991 |
| Comoros | 30 September 1990 | 22 June 1993 | 21 July 1993 |
| Congo | | 14 October 1993[a] | 13 November 1993 |
| Cook Islands | | 6 June 1997[a] | 6 July 1997 |
| Costa Rica | 26 January 1990 | 21 August 1990 | 20 September 1990 |
| Côte d'Ivoire | 26 January 1990 | 4 February 1991 | 6 March 1991 |
| Croatia[b] | | | 8 October 1991[b] |
| Cuba | 26 January 1990 | 21 August 1991 | 20 September 1991 |
| Cyprus | 5 October 1990 | 7 February 1991 | 9 March 1991 |
| Czech Republic[b] | | | 1 January 1993 |
| Democratic People's Republic of Korea | 23 August 1990 | 21 September 1990 | 21 October 1990 |
| Democratic Republic of the Congo | 20 March 1990 | 27 September 1990 | 27 October 1990 |
| Denmark | 26 January 1990 | 19 July 1991 | 18 August 1991 |
| Djibouti | 30 September 1990 | 6 December 1990 | 5 January 1991 |
| Dominica | 26 January 1990 | 13 March 1991 | 12 April 1991 |
| Dominican Republic | 8 August 1990 | 11 June 1991 | 11 July 1991 |
| Ecuador | 26 January 1990 | 23 March 1990 | 2 September 1990 |
| Egypt | 5 February 1990 | 6 July 1990 | 2 September 1990 |
| El Salvador | 26 January 1990 | 10 July 1990 | 2 September 1990 |
| Equatorial Guinea | | 15 June 1992[a] | 15 July 1992 |
| Eritrea | 20 December 1993 | 3 August 1994 | 2 September 1994 |
| Estonia | | 21 October 1991[a] | 20 November 1991 |
| Ethiopia | | 14 May 1991[a] | 13 June 1991 |
| Fiji | 2 July 1993 | 13 August 1993 | 12 September 1993 |
| Finland | 26 January 1990 | 20 June 1991 | 20 July 1991 |
| France | 26 January 1990 | 7 August 1990 | 6 September 1990 |
| Gabon | 26 January 1990 | 9 February 1994 | 11 March 1994 |
| Gambia | 5 February 1990 | 8 August 1990 | 7 September 1990 |
| Georgia | | 2 June 1994[a] | 2 July 1994 |
| Germany | 26 January 1990 | 6 March 1992 | 5 April 1992 |
| Ghana | 29 January 1990 | 5 February 1990 | 2 September 1990 |
| Greece | 26 January 1990 | 11 May 1993 | 10 June 1993 |
| Grenada | 21 February 1990 | 5 November 1990 | 5 December 1990 |
| Guatemala | 26 January 1990 | 6 June 1990 | 2 September 1990 |
| Guinea | | 13 July 1990[a] | 2 September 1990 |
| Guinea-Bissau | 26 January 1990 | 20 August 1990 | 19 September 1990 |
| Guyana | 30 September 1990 | 14 January 1991 | 13 February 1991 |
| Haiti | 20 January 1990 | 8 June 1995 | 8 July 1995 |
| Holy See | 20 April 1990 | 20 April 1990 | 2 September 1990 |

| States | Date of signature | Date of receipt of instrument of ratification/ accession[a] | Date of entry into force |
|---|---|---|---|
| Honduras | 31 May 1990 | 10 August 1990 | 9 September 1990 |
| Hungary | 14 March 1990 | 7 October 1991 | 6 November 1991 |
| Iceland | 26 January 1990 | 28 October 1992 | 27 November 1992 |
| India | | 11 December 1992[a] | 11 January 1993 |
| Indonesia | 26 January 1990 | 5 September 1990 | 5 October 1990 |
| Iran (Islamic Republic of) | 5 September 1991 | 13 July 1994 | 12 August 1994 |
| Iraq | | 15 June 1994[a] | 15 July 1994 |
| Ireland | 30 September 1990 | 28 September 1992 | 28 October 1992 |
| Israel | 3 July 1990 | 3 October 1991 | 2 November 1991 |
| Italy | 26 January 1990 | 5 September 1991 | 5 October 1991 |
| Jamaica | 26 January 1990 | 14 May 1991 | 13 June 1991 |
| Japan | 21 September 1990 | 22 April 1994 | 22 May 1994 |
| Jordan | 29 August 1990 | 24 May 1991 | 23 June 1991 |
| Kazakhstan | 16 February 1994 | 12 August 1994 | 11 September 1994 |
| Kenya | 26 January 1990 | 30 July 1990 | 2 September 1990 |
| Kiribati | | 11 December 1995[a] | 10 January 1996 |
| Kuwait | 7 June 1990 | 21 October 1991 | 20 November 1991 |
| Kyrgyzstan | | 7 October 1994 | 6 November 1994 |
| Lao People's Democratic Republic | | 8 May 1991[a] | 7 June 1991 |
| Latvia | | 14 April 1992[a] | 14 May 1992 |
| Lebanon | 26 January 1990 | 14 May 1991 | 13 June 1991 |
| Lesotho | 21 August 1990 | 10 March 1992 | 9 April 1992 |
| Liberia | 26 April 1990 | 4 June 1993 | 4 July 1993 |
| Libyan Arab Jamahiriya | | 15 April 1993[a] | 15 May 1993 |
| Liechtenstein | 30 September 1990 | 22 December 1995 | 21 January 1996 |
| Lithuania | | 31 January 1992[a] | 1 March 1992 |
| Luxembourg | 21 March 1990 | 7 March 1994 | 6 April 1994 |
| Madagascar | 19 April 1990 | 19 March 1991 | 18 April 1991 |
| Malawi | | 2 January 1991[a] | 1 February 1991 |
| Malaysia | | 17 February 1995[a] | 19 March 1995 |
| Maldives | 21 August 1990 | 11 February 1991 | 13 March 1991 |
| Mali | 26 January 1990 | 20 September 1990 | 20 October 1990 |
| Malta | 26 January 1990 | 30 September 1990 | 30 October 1990 |
| Marshall Islands | 14 April 1993 | 4 October 1993 | 3 November 1993 |
| Mauritania | 26 January 1990 | 16 May 1991 | 15 June 1991 |
| Mauritius | | 26 July 1990[a] | 2 September 1990 |
| Mexico | 26 January 1990 | 21 September 1990 | 21 October 1990 |
| Micronesia (Federated States of) | | 5 May 1993[a] | 4 June 1993 |
| Monaco | | 21 June 1993[a] | 21 July 1993 |
| Mongolia | 26 January 1990 | 5 July 1990 | 2 September 1990 |

| States | Date of signature | Date of receipt of instrument of ratification/ accession[a] | Date of entry into force |
|---|---|---|---|
| Morocco | 26 January 1990 | 21 June 1993 | 21 July 1993 |
| Mozambique | 30 September 1990 | 26 April 1994 | 26 May 1994 |
| Myanmar | | 15 July 1991[a] | 14 August 1991 |
| Namibia | 26 September 1990 | 30 September 1990 | 30 October 1990 |
| Nauru | | 27 July 1994[a] | 26 August 1994 |
| Nepal | 26 January 1990 | 14 September 1990 | 14 October 1990 |
| Netherlands | 26 January 1990 | 6 February 1995 | 7 March 1995 |
| New Zealand | 1 October 1990 | 6 April 1993 | 6 May 1993 |
| Nicaragua | 6 February 1990 | 5 October 1990 | 4 November 1990 |
| Niger | 26 January 1990 | 30 September 1990 | 30 October 1990 |
| Nigeria | 26 January 1990 | 19 April 1991 | 19 May 1991 |
| Niue | | 20 December 1995[a] | 19 January 1996 |
| Norway | 26 January 1990 | 8 January 1991 | 7 February 1991 |
| Oman | | 9 December 1996[a] | 8 January 1997 |
| Pakistan | 20 September 1990 | 12 November 1990 | 12 December 1990 |
| Palau | | 4 August 1995[a] | 3 September 1995 |
| Panama | 26 January 1990 | 12 December 1990 | 11 January 1991 |
| Papua New Guinea | 30 September 1990 | 1 March 1993 | 31 March 1993 |
| Paraguay | 4 April 1990 | 25 September 1990 | 25 October 1990 |
| Peru | 26 January 1990 | 4 September 1990 | 4 October 1990 |
| Philippines | 26 January 1990 | 21 August 1990 | 20 September 1990 |
| Poland | 26 January 1990 | 7 June 1991 | 7 July 1991 |
| Portugal | 26 January 1990 | 21 September 1990 | 21 October 1990 |
| Qatar | 8 December 1992 | 3 April 1995 | 3 May 1995 |
| Republic of Korea | 25 September 1990 | 20 November 1991 | 20 December 1991 |
| Republic of Moldova | | 26 January 1993[a] | 25 February 1993 |
| Romania | 26 January 1990 | 28 September 1990 | 28 October 1990 |
| Russian Federation | 26 January 1990 | 16 August 1990 | 15 September 1990 |
| Rwanda | 26 January 1990 | 24 January 1991 | 23 February 1991 |
| Saint Kitts and Nevis | 26 January 1990 | 24 July 1990 | 2 September 1990 |
| Saint Lucia | | 16 June 1993[a] | 16 July 1993 |
| Saint Vincent and the Grenadines | 20 September 1993 | 26 October 1993 | 25 November 1993 |
| Samoa | 30 September 1990 | 29 November 1994 | 29 December 1994 |
| San Marino | | 25 November 1991[a] | 25 December 1991 |
| Sao Tome and Principe | | 14 May 1991[a] | 13 June 1991 |
| Saudi Arabia | | 26 January 1996[a] | 25 February 1996 |
| Senegal | 26 January 1990 | 31 July 1990 | 2 September 1990 |
| Seychelles | | 7 September 1990[a] | 7 October 1990 |
| Sierra Leone | 13 February 1990 | 18 June 1990 | 2 September 1990 |
| Singapore | | 5 October 1995[a] | 4 November 1995 |

| States | Date of signature | Date of receipt of instrument of ratification/ accession[a] | Date of entry into force |
|---|---|---|---|
| Slovakia[b] | | | 1 January 1993 |
| Slovenia[b] | | | 25 June 1991 |
| Solomon Islands | | 10 April 1995[a] | 10 May 1995 |
| South Africa | 29 January 1993 | 16 June 1995 | 16 July 1995 |
| Spain | 26 January 1990 | 6 December 1990 | 5 January 1991 |
| Sri Lanka | 26 January 1990 | 12 July 1991 | 11 August 1991 |
| Sudan | 24 July 1990 | 3 August 1990 | 2 September 1990 |
| Suriname | 26 January 1990 | 1 March 1993 | 31 March 1993 |
| Swaziland | 22 August 1990 | 7 September 1995 | 6 October 1995 |
| Sweden | 26 January 1990 | 29 June 1990 | 2 September 1990 |
| Switzerland | 1 May 1991 | 24 February 1997 | 26 March 1997 |
| Syrian Arab Republic | 18 September 1990 | 15 July 1993 | 14 August 1993 |
| Tajikistan | | 26 October 1993[a] | 25 November 1993 |
| Thailand | | 27 March 1992[a] | 26 April 1992 |
| The former Yugoslav Republic of Macedonia[b] | | | 17 September 1991 |
| Togo | 26 January 1990 | 1 August 1990 | 2 September 1990 |
| Tonga | | 6 November 1995[a] | 6 December 1995 |
| Trinidad and Tobago | 30 September 1990 | 5 December 1991 | 4 January 1992 |
| Tunisia | 26 February 1990 | 30 January 1992 | 29 February 1992 |
| Turkey | 14 September 1990 | 4 April 1995 | 4 May 1995 |
| Turkmenistan | | 20 September 1993[a] | 19 October 1993 |
| Tuvalu | | 22 September 1995[a] | 22 October 1995 |
| Uganda | 17 August 1990 | 17 August 1990 | 16 September 1990 |
| Ukraine | 21 February 1991 | 28 August 1991 | 27 September 1991 |
| United Arab Emirates | | 3 January 1997[a] | 2 February 1997 |
| United Kingdom of Great Britain and Northern Ireland | 19 April 1990 | 16 December 1991 | 15 January 1992 |
| United Republic of Tanzania | 1 June 1990 | 10 June 1991 | 10 July 1991 |
| Uruguay | 26 January 1990 | 20 November 1990 | 20 December 1990 |
| Uzbekistan | | 29 June 1994[a] | 29 July 1994 |
| Vanuatu | 30 September 1990 | 7 July 1993 | 6 August 1993 |
| Venezuela | 26 January 1990 | 13 September 1990 | 13 October 1990 |
| Viet Nam | 26 January 1990 | 28 February 1990 | 2 September 1990 |
| Yemen | 13 February 1990 | 1 May 1991 | 31 May 1991 |
| Yugoslavia | 26 January 1990 | 3 January 1991 | 2 February 1991 |
| Zambia | 30 September 1990 | 5 December 1991 | 5 January 1992 |
| Zimbabwe | 8 March 1990 | 11 September 1990 | 11 October 1990 |

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[a] Accession.

[b] Succession.

# ANNEX II

## Membership of the Committee on the Rights of the Child

| Name | Country of nationality |
|---|---|
| Mr. Francesco Paolo FULCI** | Italy |
| Mrs. Judith KARP* | Israel |
| Mr. Yury KOLOSOV* | Russian Federation |
| Miss Sandra Prunella MASON* | Barbados |
| Mrs. Nafsiah MBOI** | Indonesia |
| Mrs. Esther Margaret Queen MOKHUANE** | South Africa |
| Mrs. Awa N'Deye OUEDRAOGO* | Burkina Faso |
| Mrs. Lisbeth PALME* | Sweden |
| Mr. Ghassan Salim RABAH** | Lebanon |
| Mrs. Marilia SARDENBERG** | Brazil |

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* Term expires on 28 February 1999.

** Term expires on 28 February 2001.

## ANNEX III

### Status of submission of reports by States parties under article 44 of the Convention on the Rights of the Child as at 23 January 1998

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| A. Initial reports due in 1992 | | | | |
| Bangladesh | 2 September 1990 | 1 September 1992 | 15 November 1995 | CRC/C/3/Add.38 and Add.49 |
| Barbados | 8 November 1990 | 7 November 1992 | 12 September 1996 | CRC/C/3/Add.45 |
| Belarus | 31 October 1990 | 30 October 1992 | 12 February 1993 | CRC/C/3/Add.14 |
| Belize | 2 September 1990 | 1 September 1992 | 1 November 1996 | CRC/C/3/Add.46 |
| Benin | 2 September 1990 | 1 September 1992 | 22 January 1997 | CRC/C/3/Add.52 |
| Bhutan | 2 September 1990 | 1 September 1992 | | |
| Bolivia | 2 September 1990 | 1 September 1992 | 14 September 1992 | CRC/C/3/Add.2 |
| Brazil | 24 October 1990 | 23 October 1992 | | |
| Burkina Faso | 30 September 1990 | 29 September 1992 | 7 July 1993 | CRC/C/3/Add.19 |
| Burundi | 18 November 1990 | 17 November 1992 | | |
| Chad | 1 November 1990 | 31 October 1992 | 14 January 1997 | CRC/C/3/Add.50 |
| Chile | 12 September 1990 | 11 September 1992 | 22 June 1993 | CRC/C/3/Add.18 |
| Costa Rica | 20 September 1990 | 20 September 1992 | 28 October 1992 | CRC/C/3/Add.8 |
| Democratic People's Republic of Korea | 21 October 1990 | 20 October 1992 | 13 February 1996 | CRC/C/3/Add.41 |
| Democratic Republic of the Congo | 27 October 1990 | 26 October 1992 | | |
| Ecuador | 2 September 1990 | 1 September 1992 | 11 June 1996 | CRC/C/3/Add.44 |
| Egypt | 2 September 1990 | 1 September 1992 | 23 October 1992 | CRC/C/3/Add.6 |
| El Salvador | 2 September 1990 | 1 September 1992 | 3 November 1992 | CRC/C/3/Add.9 and Add.28 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| France | 6 September 1990 | 5 September 1992 | 8 April 1993 | CRC/C/3/Add.15 |
| Gambia | 7 September 1990 | 6 September 1992 | | |
| Ghana | 2 September 1990 | 1 September 1992 | 20 November 1995 | CRC/C/3/Add.39 |
| Grenada | 5 December 1990 | 4 December 1992 | 24 September 1997 | CRC/C/3/Add.55 |
| Guatemala | 2 September 1990 | 1 September 1992 | 5 January 1995 | CRC/C/3/Add.33 |
| Guinea | 2 September 1990 | 1 September 1992 | 20 November 1996 | CRC/C/3/Add.48 |
| Guinea-Bissau | 19 September 1990 | 18 September 1992 | | |
| Holy See | 2 September 1990 | 1 September 1992 | 2 March 1994 | CRC/C/3/Add.27 |
| Honduras | 9 September 1990 | 8 September 1992 | 11 May 1993 | CRC/C/3/Add.17 |
| Indonesia | 5 October 1990 | 4 October 1992 | 17 November 1992 | CRC/C/3/Add.10 and Add.26 |
| Kenya | 2 September 1990 | 1 September 1992 | | |
| Mali | 20 October 1990 | 19 October 1992 | 2 April 1997 | CRC/C/3/Add.53 |
| Malta | 30 October 1990 | 29 October 1992 | 26 December 1997 | CRC/C/3/Add.56 |
| Mauritius | 2 September 1990 | 1 September 1992 | 25 July 1995 | CRC/C/3/Add.36 |
| Mexico | 21 October 1990 | 20 October 1992 | 15 December 1992 | CRC/C/3/Add.11 |
| Mongolia | 2 September 1990 | 1 September 1992 | 20 October 1994 | CRC/C/3/Add.32 |
| Namibia | 30 October 1990 | 29 October 1992 | 21 December 1992 | CRC/C/3/Add.12 |
| Nepal | 14 October 1990 | 13 October 1992 | 10 April 1995 | CRC/C/3/Add.34 |
| Nicaragua | 4 November 1990 | 3 November 1992 | 12 January 1994 | CRC/C/3/Add.25 |
| Niger | 30 October 1990 | 29 October 1992 | 27 April 1994 | CRC/C/3/Add.29 |
| Pakistan | 12 December 1990 | 11 December 1992 | 25 January 1993 | CRC/C/3/Add.13 |
| Paraguay | 25 October 1990 | 24 October 1992 | 30 August 1993 and<br>13 November 1996 | CRC/C/3/Add.22 and Add.47 |
| Peru | 4 October 1990 | 3 October 1992 | 28 October 1992 | CRC/C/3/Add.7 and Add.24 |
| Philippines | 20 September 1990 | 19 September 1992 | 21 September 1993 | CRC/C/3/Add.23 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Portugal | 21 October 1990 | 20 October 1992 | 17 August 1994 | CRC/C/3/Add.30 |
| Romania | 28 October 1990 | 27 October 1992 | 14 April 1993 | CRC/C/3/Add.16 |
| Russian Federation | 15 September 1990 | 14 September 1992 | 16 October 1992 | CRC/C/3/Add.5 |
| Saint Kitts and Nevis | 2 September 1990 | 1 September 1992 | 21 January 1997 | CRC/C/3/Add.51 |
| Senegal | 2 September 1990 | 1 September 1992 | 12 September 1994 | CRC/C/3/Add.31 |
| Seychelles | 7 October 1990 | 6 October 1992 | | |
| Sierra Leone | 2 September 1990 | 1 September 1992 | 10 April 1996 | CRC/C/3/Add.43 |
| Sudan | 2 September 1990 | 1 September 1992 | 29 September 1992 | CRC/C/3/Add.3 and Add.20 |
| Sweden | 2 September 1990 | 1 September 1992 | 7 September 1992 | CRC/C/3/Add.1 |
| Togo | 2 September 1990 | 1 September 1992 | 27 February 1996 | CRC/C/3/Add.42 |
| Uganda | 16 September 1990 | 15 September 1992 | 1 February 1996 | CRC/C/3/Add.40 |
| Uruguay | 20 December 1990 | 19 December 1992 | 2 August 1995 | CRC/C/3/Add.37 |
| Venezuela | 13 October 1990 | 12 October 1992 | 9 July 1997 | CRC/C/3/Add.54 |
| Viet Nam | 2 September 1990 | 1 September 1992 | 30 September 1992 | CRC/C/3/Add.4 and Add.21 |
| Zimbabwe | 11 October 1990 | 10 October 1992 | 23 May 1995 | CRC/C/3/Add.35 |
| | | **B. Initial reports due in 1993** | | |
| Angola | 4 January 1991 | 3 January 1993 | | |
| Argentina | 3 January 1991 | 2 January 1993 | 17 March 1993 | CRC/C/8/Add.2 and Add.17 |
| Australia | 16 January 1991 | 15 January 1993 | 8 January 1996 | CRC/C/8/Add.31 |
| Bahamas | 22 March 1991 | 21 March 1993 | | |
| Bulgaria | 3 July 1991 | 2 July 1993 | 29 September 1995 | CRC/C/8/Add.29 |
| Colombia | 27 February 1991 | 26 February 1993 | 14 April 1993 | CRC/C/8/Add.3 |
| Côte d'Ivoire | 6 March 1991 | 5 March 1993 | | |
| Croatia | 7 November 1991 | 6 November 1993 | 8 November 1994 | CRC/C/8/Add.19 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Cuba | 20 September 1991 | 19 September 1993 | 27 October 1995 | CRC/C/8/Add.30 |
| Cyprus | 9 March 1991 | 8 March 1993 | 22 December 1994 | CRC/C/8/Add.24 |
| Denmark | 18 August 1991 | 17 August 1993 | 14 September 1993 | CRC/C/8/Add.8 |
| Djibouti | 5 January 1991 | 4 January 1993 | | |
| Dominica | 12 April 1991 | 11 April 1993 | | |
| Dominican Republic | 11 July 1991 | 10 July 1993 | | |
| Estonia | 20 November 1991 | 19 November 1993 | | |
| Ethiopia | 13 June 1991 | 12 June 1993 | 10 August 1995 | CRC/C/8/Add.27 |
| Finland | 20 July 1991 | 19 July 1993 | 12 December 1994 | CRC/C/8/Add.22 |
| Guyana | 13 February 1991 | 12 February 1993 | | |
| Hungary | 6 November 1991 | 5 November 1993 | 28 June 1996 | CRC/C/8/Add.34 |
| Israel | 2 November 1991 | 1 November 1993 | | |
| Italy | 5 October 1991 | 4 October 1993 | 11 October 1994 | CRC/C/8/Add.18 |
| Jamaica | 13 June 1991 | 12 June 1993 | 25 January 1994 | CRC/C/8/Add.12 |
| Jordan | 23 June 1991 | 22 June 1993 | 25 May 1993 | CRC/C/8/Add.4 |
| Kuwait | 20 November 1991 | 19 November 1993 | 23 August 1996 | CRC/C/8/Add.35 |
| Lao People's Democratic Republic | 7 June 1991 | 6 June 1993 | 18 January 1996 | CRC/C/8/Add.32 |
| Lebanon | 13 June 1991 | 12 June 1993 | 21 December 1994 | CRC/C/8/Add.23 |
| Madagascar | 18 April 1991 | 17 May 1993 | 20 July 1993 | CRC/C/8/Add.5 |
| Malawi | 1 February 1991 | 31 January 1993 | | |
| Maldives | 13 March 1991 | 12 March 1993 | 6 July 1994 | CRC/C/8/Add.33 and Add.37 |
| Mauritania | 15 June 1991 | 14 June 1993 | | |
| Myanmar | 14 August 1991 | 13 August 1993 | 14 September 1995 | CRC/C/8/Add.9 |
| Nigeria | 19 May 1991 | 18 May 1993 | 19 July 1995 | CRC/C/8/Add.26 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Norway | 7 February 1991 | 6 February 1993 | 30 August 1993 | CRC/C/8/Add.7 |
| Panama | 11 January 1991 | 10 January 1993 | 19 September 1995 | CRC/C/8/Add.28 |
| Poland | 7 July 1991 | 6 July 1993 | 11 January 1994 | CRC/C/8/Add.11 |
| Republic of Korea | 20 December 1991 | 19 December 1993 | 17 November 1994 | CRC/C/8/Add.21 |
| Rwanda | 23 February 1991 | 22 February 1993 | 30 September 1992 | CRC/C/8/Add.1 |
| San Marino | 25 December 1991 | 24 December 1993 | | |
| Sao Tome and Principe | 13 June 1991 | 12 June 1993 | | |
| Slovenia | 25 June 1991 | 24 June 1993 | 29 May 1995 | CRC/C/8/Add.25 |
| Spain | 5 January 1991 | 4 January 1993 | 10 August 1993 | CRC/C/8/Add.6 |
| Sri Lanka | 11 August 1991 | 10 August 1993 | 23 March 1994 | CRC/C/8/Add.13 |
| The former Yugoslav Republic of Macedonia | 17 September 1991 | 16 September 1993 | 4 March 1997 | CRC/C/8/Add.36 |
| Ukraine | 27 September 1991 | 26 September 1993 | 8 October 1993 | CRC/C/8/Add.10/Rev.1 |
| United Republic of Tanzania | 10 July 1991 | 9 July 1993 | 29 April 1994 | CRC/C/8/Add.14 |
| Yemen | 31 May 1991 | 30 May 1993 | 14 November 1994 | CRC/C/8/Add.20 and Add.38 |
| Yugoslavia | 2 February 1991 | 1 February 1993 | 21 September 1994 | CRC/C/8/Add.16 |

## C. Initial reports due in 1994

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Albania | 28 March 1992 | 27 March 1994 | | |
| Austria | 5 September 1992 | 4 September 1994 | 8 October 1996 | CRC/C/11/Add.14 |
| Azerbaijan | 12 September 1992 | 11 September 1994 | 9 November 1995 | CRC/C/11/Add.8 |
| Bahrain | 14 March 1992 | 14 March 1994 | 26 May 1997 | CRC/C/11/Add.15 |
| Belgium | 15 January 1992 | 14 January 1994 | 12 July 1994 | CRC/C/11/Add.4 |
| Bosnia and Herzegovina | 6 March 1992 | 5 March 1994 | | |
| Cambodia | 14 November 1992 | 15 November 1994 | 18 December 1997 | CRC/C/11/Add.16 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Canada | 12 January 1992 | 11 January 1994 | 17 June 1994 | CRC/C/11/Add.3 |
| Cape Verde | 4 July 1992 | 3 July 1994 | | |
| Central African Republic | 23 May 1992 | 23 May 1994 | | |
| China | 1 April 1992 | 31 March 1994 | 27 March 1995 | CRC/C/11/Add.7 |
| Czech Republic | 1 January 1993 | 31 December 1994 | 4 March 1996 | CRC/C/11/Add.11 |
| Equatorial Guinea | 15 July 1992 | 14 July 1994 | | |
| Germany | 5 April 1992 | 4 May 1994 | 30 August 1994 | CRC/C/11/Add.5 |
| Iceland | 27 November 1992 | 26 November 1994 | 30 November 1994 | CRC/C/11/Add.6 |
| Ireland | 28 October 1992 | 27 October 1994 | 4 April 1996 | CRC/C/11/Add.12 |
| Latvia | 14 May 1992 | 13 May 1994 | | |
| Lesotho | 9 April 1992 | 8 April 1994 | | |
| Lithuania | 1 March 1992 | 28 February 1994 | | |
| Slovakia | 1 January 1993 | 31 December 1994 | | |
| Thailand | 26 April 1992 | 25 April 1994 | 23 August 1996 | CRC/C/11/Add.13 |
| Trinidad and Tobago | 4 January 1992 | 3 January 1994 | 16 February 1996 | CRC/C/11/Add.10 |
| Tunisia | 29 February 1992 | 28 February 1994 | 16 May 1994 | CRC/C/11/Add.2 |
| United Kingdom of Great Britain and Northern Ireland | 15 January 1992 | 14 January 1994 | 15 March 1994 | CRC/C/11/Add.1, Add.9, Add.15 and Add.15/Corr.1 |
| Zambia | 5 January 1992 | 4 January 1994 | | |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| D. Initial reports due in 1995 | | | | |
| Algeria | 16 May 1993 | 15 May 1995 | 16 November 1995 | CRC/C/28/Add.4 |
| Antigua and Barbuda | 4 November 1993 | 3 November 1995 | | |
| Armenia | 23 July 1993 | 5 August 1995 | 19 February 1997 | CRC/C/28/Add.9 |
| Cameroon | 10 February 1993 | 9 February 1995 | | |
| Comoros | 22 July 1993 | 21 July 1995 | | |
| Congo | 13 November 1993 | 12 November 1995 | | |
| Fiji | 12 September 1993 | 11 September 1995 | 12 June 1996 | CRC/C/28/Add.7 |
| Greece | 10 June 1993 | 9 June 1995 | | |
| India | 11 January 1993 | 10 January 1995 | 19 March 1997 | CRC/C/28/Add.10 |
| Liberia | 4 July 1993 | 3 July 1995 | | |
| Libyan Arab Jamahiriya | 15 May 1993 | 14 May 1995 | 23 May 1996 | CRC/C/28/Add.6 |
| Marshall Island | 3 November 1993 | 2 November 1995 | | |
| Micronesia (Federated States of) | 4 June 1993 | 3 June 1995 | 16 April 1996 | CRC/C/28/Add.5 |
| Monaco | 21 July 1993 | 20 July 1995 | | |
| Morocco | 21 July 1993 | 20 July 1995 | 27 July 1995 | CRC/C/28/Add.1 |
| New Zealand | 6 May 1993 | 5 May 1995 | 29 September 1995 | CRC/C/28/Add.3 |
| Papua New Guinea | 31 March 1993 | 31 March 1995 | | |
| Republic of Moldova | 25 February 1993 | 24 February 1995 | | |
| Saint Lucia | 16 July 1993 | 15 July 1995 | | |
| Saint Vincent and the Grenadines | 25 November 1993 | 24 November 1995 | | |
| Suriname | 31 March 1993 | 31 March 1995 | | |
| Syrian Arab Republic | 14 August 1993 | 13 August 1995 | 22 September 1995 | CRC/C/28/Add.2 |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| Tajikistan | 25 November 1993 | 24 November 1995 | | |
| Turkmenistan | 20 October 1993 | 19 October 1995 | | |
| Vanuatu | 6 August 1993 | 5 August 1995 | 27 January 1997 | CRC/C/28/Add.8 |

## E. Initial reports due in 1996

| | | | | |
|---|---|---|---|---|
| Afghanistan | 27 April 1994 | 26 April 1996 | | |
| Gabon | 11 March 1994 | 10 March 1996 | | |
| Luxembourg | 6 April 1994 | 5 April 1996 | 26 July 1996 | CRC/C/41/Add.2 |
| Japan | 22 May 1994 | 21 May 1996 | 30 May 1996 | CRC/C/41/Add.1 |
| Mozambique | 26 May 1994 | 25 May 1996 | | |
| Georgia | 2 July 1994 | 1 July 1996 | 7 April 1997 | CRC/C/41/Add.4 and Rev.1 |
| Iraq | 15 July 1994 | 14 July 1996 | 6 August 1996 | CRC/C/41/Add.3 |
| Uzbekistan | 29 July 1994 | 28 July 1996 | | |
| Iran (Islamic Republic of) | 12 August 1994 | 11 August 1996 | 9 December 1997 | CRC/C/41/Add.5 |
| Nauru | 26 August 1994 | 25 August 1996 | | |
| Eritrea | 2 September 1994 | 1 September 1996 | | |
| Kazakhstan | 11 September 1994 | 10 September 1996 | | |
| Kyrgyzstan | 6 November 1994 | 5 November 1996 | | |
| Samoa | 29 December 1994 | 28 December 1996 | | |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| | F. | Initial reports due in 1997 | | |
| Netherlands | 7 March 1995 | 6 March 1997 | 15 May 1997 | CRC/C/51/Add.1 |
| Malaysia | 19 March 1995 | 18 March 1997 | | |
| Botswana | 13 April 1995 | 12 April 1997 | | |
| Qatar | 3 May 1995 | 2 May 1997 | | |
| Turkey | 4 May 1995 | 3 May 1997 | | |
| Solomon Islands | 10 May 1995 | 9 May 1997 | | |
| Haiti | 8 July 1995 | 7 July 1997 | | |
| South Africa | 16 July 1995 | 15 July 1997 | 4 December 1997 | CRC/C/51/Add.2 |
| Palau | 3 September 1995 | 3 September 1997 | | |
| Swaziland | 6 October 1995 | 5 October 1997 | | |
| Tuvalu | 22 October 1995 | 21 October 1997 | | |
| Singapore | 4 November 1995 | 3 November 1997 | | |
| Tonga | 6 December 1995 | 5 December 1997 | | |
| | G. | Initial reports due in 1998 | | |
| Kiribati | 10 January 1996 | 9 January 1998 | | |
| Niue | 19 January 1996 | 18 January 1998 | | |
| Liechtenstein | 21 January 1996 | 20 January 1998 | | |
| Brunei Darussalam | 26 January 1996 | 25 January 1998 | | |
| Andorra | 1 February 1996 | 31 January 1998 | | |
| Saudi Arabia | 25 February 1996 | 24 February 1998 | | |

| State party | Date of entry into force | Date due | Date of submission | Symbol |
|---|---|---|---|---|
| H. Initial reports due in 1999 | | | | |
| United Arab Emirates | 2 February 1997 | 1 February 1999 | | |
| Switzerland | 26 March 1997 | 25 March 1999 | | |
| Cook Islands | 6 July 1997 | 5 July 1999 | | |

## I. Second periodic reports due in 1997

| State party | Date due | Date of submission | Symbol |
|---|---|---|---|
| Bangladesh | 1 September 1997 | | |
| Barbados | 7 November 1997 | | |
| Belarus | 30 October 1997 | | |
| Belize | 1 September 1997 | | |
| Benin | 1 September 1997 | | |
| Bhutan | 1 September 1997 | | |
| Bolivia | 1 September 1997 | 12 August 1997 | CRC/C/65/Add.1 |
| Brazil | 23 October 1997 | | |
| Burkina Faso | 29 September 1997 | | |
| Burundi | 17 November 1997 | | |
| Chad | 31 October 1997 | | |
| Chile | 11 September 1997 | | |
| Costa Rica | 20 September 1997 | 20 January 1998 | CRC/C/65/Add.7 |
| Democratic People's Republic of Korea | 20 October 1997 | | |
| Democratic Republic of the Congo | 26 October 1997 | | |
| Ecuador | 1 September 1997 | | |
| Egypt | 1 September 1997 | | |
| El Salvador | 1 September 1997 | | |
| France | 5 September 1997 | | |
| Gambia | 6 September 1997 | | |
| Ghana | 1 September 1997 | | |
| Grenada | 4 December 1997 | | |
| Guatemala | 1 September 1997 | | |
| Guinea | 1 September 1997 | | |
| Guinea-Bissau | 18 September 1997 | | |
| Holy See | 1 September 1997 | | |
| Honduras | 8 September 1997 | 18 September 1997 | CRC/C/65/Add.2 |
| Indonesia | 4 October 1997 | | |
| Kenya | 1 September 1997 | | |
| Mali | 19 October 1997 | | |
| Malta | 29 October 1997 | | |
| Mauritius | 1 September 1997 | | |
| Mexico | 20 October 1997 | 14 January 1998 | CRC/C/65/Add.6 |
| Mongolia | 1 September 1997 | | |
| Namibia | 29 October 1997 | | |
| Nepal | 13 October 1997 | | |
| Nicaragua | 3 November 1997 | 12 November 1997 | CRC/C/65/Add.4 |
| Niger | 29 October 1997 | | |
| Pakistan | 11 December 1997 | | |
| Paraguay | 24 October 1997 | | |

| State party | Date due | Date of submission | Symbol |
|---|---|---|---|
| Peru | 3 October 1997 | | |
| Philippines | 19 September 1997 | | |
| Portugal | 20 October 1997 | | |
| Romania | 27 October 1997 | | |
| Russian Federation | 14 September 1997 | 12 January 1998 | CRC/C/65/Add.5 |
| Saint Kitts and Nevis | 1 September 1997 | | |
| Senegal | 1 September 1997 | | |
| Seychelles | 6 October 1997 | | |
| Sierra Leone | 1 September 1997 | | |
| Sudan | 1 September 1997 | | |
| Sweden | 1 September 1997 | 25 September 1997 | CRC/C/65/Add.3 |
| Togo | 1 September 1997 | | |
| Uganda | 15 September 1997 | | |
| Uruguay | 19 December 1997 | | |
| Venezuela | 12 October 1997 | | |
| Viet Nam | 1 September 1997 | | |
| Zimbabwe | 10 October 1997 | | |